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B I L L S,

PUBLIC:

SEVEN VOLUMES.

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—(1.)—

AGRICULTURAL HOLDINGS (ENGLAND)

TO

DRUGGING OF ANIMALS.

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Session

5 February—13 August 1875.

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VOL. I.

1875.

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# BILLS:

1875.

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A  
B I L L

INTITULED

An Act for amending the Law relating to Agricultural Holdings in England.

A.D. 1875.

[Note.—*The clause printed in red ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## 5 Preliminary.

**1.** This Act may be cited as The Agricultural Holdings (England) Act, 1875.

2. This Act shall commence from and immediately after the Commence-  
fourteenth day of February one thousand eight hundred and seventy- ment of Act.  
10 six.

**3.** This Act shall not extend to Scotland or Ireland.

Extent of  
Act.

4. In this Act—

Interpreta-  
tion.

15 “Contract of tenancy” means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will :

“Determination of tenancy” means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause :

20       “Landlord” means the person for the time being entitled to  
possession of land subject to a contract of tenancy, or  
entitled to receipt of rent reserved by a contract of  
tenancy, whatever be the extent of his interest, and  
although his interest is incumbered or charged by himself  
or his settlor, or otherwise, to any extent, the party to a  
25       contract of tenancy under which land is actually occupied  
being alone deemed to be the landlord in relation to the  
actual occupier :

“Tenant” means the holder of land under a contract of tenancy :

[Bill 177.]



- A.D. 1875.
- “Landlord” or “tenant” includes the agent authorized in writing to act under this Act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant : 5

“Holding” includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy :

“The letting value” means the rent at which the holding could be or could have been let if the improvement had not been executed : 10

“County court,” in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate :

“Person” includes a body of persons and a corporation aggregate or sole. 15

The designations of landlord and tenant shall, for the purposes of this Act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of the tenancy. 20

*Tenant's Compensation for Improvements.*

Tenant's title to compensation.

5. Where, after the commencement of this Act, a tenant executes on his holding an improvement adding to the letting value thereof, he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement. 25

Three classes of improvements.

6. No improvements other than those comprised in the three classes following shall be deemed improvements adding to the letting value of a holding within this Act :

FIRST CLASS. 30

Drainage of land.	Making or improving of water-courses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes. 35
Erection or enlargement of buildings.	
Laying down of permanent pasture.	
Making and planting of osier beds.	Making of fences.
Making of water meadows or works of irrigation.	Planting of hops.
Making of gardens.	Planting of orchards.
Making or improving of roads or bridges.	Reclamation of waste land.
	Warping of land. 40



SECOND CLASS.

A.D. 1875.

Boning of pasture land with undissolved bones.	Claying of land.
Chalking of land.	Liming of land.
5 Clay-burning.	Marling of land.

THIRD CLASS.

10 Application to land of purchased artificial or other manure.	Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.
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7. The amount of the tenant's compensation shall be a capital sum fairly representing so much of the addition made by an improvement to the letting value of the holding as continues unexhausted at the determination of the tenancy, but shall not in any case exceed the sum expended by the tenant on the improvement, with a proportionate reduction of that sum for each year for which the tenancy has endured since the execution of the improvement.

Amount of tenant's compensation.

8. The addition made by an improvement to the letting value of a holding shall not in any case be deemed, for the purposes of this Act, to continue beyond the respective times following after the execution of the improvement :

Time in which improvement exhausted.

Where the improvement is of the first class, twenty years :

Where it is of the second class, seven years :

25 Where it is of the third class, the end of two years, or the taking of a crop of corn or potatoes (whichever first happens).

9. The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

Consent of landlord for first class.

30 10. The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless not more than twenty-one and not less than seven days before beginning to execute it he has given to the landlord notice in writing of his intention to do so.

Notice to landlord for second class.

35 11. In the ascertainment of the amount of compensation in respect of an improvement of the third class, there shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or other less number of years for which the tenancy has endured.

Restrictions as to third class.



A.D. 1875.

Deductions  
from com-  
pensation for  
taxes, rent,  
&c.

**12.** The amount of the tenant's compensation shall be subject to the following deductions ;

- (1.) For taxes, rates, and tithe-rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord :
- (2.) For rent due or becoming due in respect of the holding :
- (3.) For the landlord's compensation under this Act.

5

Set-off of  
benefit to  
tenant.

**13.** In the ascertainment of the amount of the tenant's compensation there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

10

*Landlord's Compensation.*Landlord's  
title to com-  
pensation.

**14.** Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the contract of tenancy, the landlord shall be entitled to obtain, on the determination of the tenancy, compensation in respect thereof, subject and according to the provisions of this Act.

15

*Procedure.*Notice of  
intended  
claim.

**15.** Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless before the determination of the tenancy he gives notice in writing to the landlord of his intention to make a claim for compensation under this Act.

20

Where a tenant gives such a notice the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act.

25

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim.

Compensa-  
tion agreed  
or settled by  
reference.

**16.** The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act.

30

If in any case they do not so agree the difference shall be settled by a reference.

Appoint-  
ment of  
referee  
or referees  
and umpire.

**17.** Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows :

35

- (1.) If the parties concur, there may be a single referee appointed by them jointly :
- (2.) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties



of his appointment fails to act, the proceedings shall A.D. 1875.  
begin afresh, as if no referee had been appointed:

- (3.) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee:
- 5 (4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from the party appointing him of his appointment fails to act, the party appointing him shall appoint another referee:
- 10 (5.) Notice of every appointment of a referee by either party shall be given to the other party:
- (6.) If for seven days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint
- 15 a competent and impartial person to be a referee:
- (7.) Where two referees are appointed they shall before they enter on the reference appoint an umpire:
- (8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire:
- 20 (9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire:
- 25 (10.) Every appointment, notice, and request under this section shall be in writing.

The powers of the county court under this section shall be exerciseable by the judge of the court without as well as within the district, and may, by consent of the parties, be exercised by the

30 registrar of the court.

18. The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it, and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Mode of  
submission  
to reference.

35 19. The referee or referees or umpire may call for the production of any document or evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties

40 and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

Power for  
referee, &c.  
to require  
production of  
documents,  
administer  
oaths, &c.



A.D. 1875.

Power to  
proceed in  
absence.  
Form of  
award.

Time for  
award of  
referee or  
referees.

Reference to  
and award  
by umpire.

Award to  
give parti-  
culars.

Costs of  
reference.

**20.** The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient after notice given to the parties.

**21.** The award shall be in writing, signed by the referee or referees or umpire. 5

**22.** A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them. 10

**23.** Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire. 15

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court, on the application of the umpire, or of either party, appoints, so that the umpire make his award ready for delivery within a time not exceeding in the whole forty-nine days after notice to him as aforesaid. 25

**24.** The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify—

The particulars of the several improvements, acts, and things in respect whereof compensation is awarded; 30

The time at which each thereof was executed, committed, or permitted;

The mode and extent in and to which each improvement adds to the letting value of the holding;

The sum awarded in respect of each improvement, act, or thing; 35 and

The sum expended by the tenant on each improvement.

**25.** The costs of and attending the reference, including the remuneration of the referee or referees and umpire, and other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, 40



regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case. A.D. 1875.

The award may direct the payment of the whole or any part of those costs by the one party to the other, and in that case the award shall specify the amount to be so paid.

The amount of the costs shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

26. The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise. Day for payment.

27. A submission or award shall not be made a rule of any court, or be removeable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act. Submission not to be removeable, &c.

28. An award shall for all purposes be valid, if, in respect of form, the requisitions of this Act are observed in the award, and if it substantially decides the matters referred, and is not open to question on the ground of misconduct on the part of a referee or umpire. Validity of award.

29. Where the award is valid, and the sum claimed by neither party for compensation exceeds fifty pounds, the award shall be final. Appeal to county court.

Where the award is not valid, either party, and, where the sum claimed by either party for compensation exceeds fifty pounds, that party, may, within seven days after notice of the award, appeal against it to the judge of the county court, and he shall rehear the case.

30. If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge may, if he thinks fit, state a special case on a question of law, or of rejection or admission of evidence, for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

30. Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable as money ordered by a Recovery of compensation.



A.D. 1875. county court under its ordinary jurisdiction to be paid is recoverable.

Appoint-  
ment of  
guardian.

**31.** Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian 5 of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

Provisions  
respecting  
married  
women.

**32.** The county court may appoint a person to act as the next friend of a married woman for the purposes of this Act, and may remove or change that next friend if and as occasion requires. 10

A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this Act, be as if she was unmarried.

Where any other married woman is desirous of doing any act under this Act, her husband's concurrence shall be requisite, and 15 she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended Act, and it shall be ascertained that she is acting freely and voluntarily. 20

Costs in  
county  
court.

**33.** The costs of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court. 25

#### *Charge of Tenant's Compensation.*

Power for  
landlord, on  
paying com-  
pensation, to  
obtain  
charge for  
himself.

**34.** A landlord, on paying to the tenant the amount of compensation due to him under this Act, may obtain from the county court a charge on the holding in respect thereof.

The court shall have power, on proof of the payment, to make 30 an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But where the landlord is not absolute owner for his own benefit, 35 no instalment or interest shall be made payable after the expiration of twenty years, seven years, or two years, from the time when the improvement in respect whereof compensation is awarded was executed, according to its class.

The instalments and interest shall be charged in favour of the 40 landlord, his executors, administrators, and assigns.

35. Where a tenancy is determined by the act or default of the tenant, or by or in consequence of a breach on his part of a covenant or other agreement or condition connected with the contract of tenancy, the landlord, instead of paying to the tenant the amount of compensation (if any) due to him under this Act, may, on notice to the tenant, obtain from the county court a charge on the holding in respect of that amount, in favour of the tenant, his executors, administrators, and assigns.

A.D. 1875.

Power for landlord to obtain charge for tenant, in certain cases.

The Court shall have power, on proof of the amount of compensation due, to make an order charging the holding with payment thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Court thinks fit.

But where the landlord is not absolute owner for his own benefit no instalment or interest shall be made payable after the expiration of twenty years, seven years, or two years, from the time when the improvement, in respect whereof compensation is awarded, was executed, according to its class.

A charge under this section shall be full satisfaction for the compensation due to the tenant.

36. The sum charged by the order of a county court under this Act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding.

Duration of charge.

#### *Duchy Lands.*

This Act shall extend and apply to land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown.

CLAUSE A.  
Application of Act to Crown lands.

With respect to such land, for the purposes of this Act, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as Her Majesty, her heirs or successors, may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof



A.D. 1875. shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement of the second class, or of the third class, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be payable by those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application  
of Act to  
land of Duchy  
of Lancaster.

**37.** This Act shall extend and apply to land belonging to Her Majesty, her heirs and successors, in right of the Duchy of Lancaster.

With respect to such land, for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the first class shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, her heirs or successors, in right of the Duchy, within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the Duchy.

The amount of any compensation payable under this Act to the Chancellor of the Duchy shall be paid into the hands of the Receiver General of the revenues of the Duchy, or of his sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase money for land sold under The Duchy of Lancaster Lands Act, 1855, is applicable under section two of that Act.

Application  
of Act to  
land of  
Duchy of  
Cornwall.

**38.** This Act shall extend and apply to land belonging to the Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be

the landlord, and may do any act or thing under this Act which a landlord is authorized or required to do thereunder. A.D. 1873.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of The Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

### *Ecclesiastical and Charity Lands.*

39. Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England. Landlord,  
archbishop  
or bishop.

40. Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy). Landlord,  
incumbent of  
benefice.

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

41. The powers by this Act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except with the previous approval in writing of the Charity Commissioners for England and Wales. Landlord,  
charity  
trustees, &c.



A.D. 1875.

*Notice to quit.*Time of  
notice to  
quit.

42. Where a half-year's notice, expiring with a year of tenancy, is by law necessary and sufficient for determination of a tenancy from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same; but nothing in this 5  
section shall extend to a case where the tenant is adjudged bankrupt.

*Resumption for Improvements.*Resumption  
of possession  
for cottages,  
&c.

43. Where on a tenancy from year to year a notice to quit is given with a view to the use of land for any of the following 10  
purposes :

- The erection of farm labourers cottages, with or without gardens;
- The providing of gardens for existing farm labourers cottages;
- The allotment of gardens for labourers;
- The planting of trees; 15
- The opening or working of a stone quarry;
- The obtaining of brick earth or gravel;
- The making of a watercourse or reservoirs;
- The making of roads;

and the notice to quit so states, then it shall, by virtue of this Act, 20  
be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an 25  
entire holding.

The tenant shall also be entitled to a proportionate reduction of rent, and the amount thereof shall be ascertained by agreement or settled by a reference under this Act as in case of compensation (but without appeal).

*General Application of Act.*

30

No restric-  
tion on  
contract.

44. Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof.

Application  
of Act  
as regards  
current and  
future  
tenancies.

45. This Act, subject to any contract in writing between the 35  
landlord and tenant, shall apply to all contracts of tenancy taking effect after the commencement of this Act.

For the purposes of this section, a contract of tenancy from year to year, current at the commencement of this Act, shall be deemed

to take effect from and after the end of the first year of tenancy beginning after the commencement of this Act. A.D. 1875.

Except as in this section provided, this Act shall not apply to any contract of tenancy current at the commencement of this Act.

- 5   **46.** Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than five acres.

Exception of non-agricultural and small holdings.

- 10   **47.** A tenant shall not be entitled to compensation under this Act and under any custom of the country or contract in respect of the same work or thing.

Exception where other compensation.

- 15   **48.** Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe-rentcharge, rent, or other thing.

General saving of rights.



**Agricultural Holdings  
(England). [H.L.]**

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A

**B I L L**

INTITULIED

An Act for amending the Law relating  
to Agricultural Holdings in England.

(*Brought from the Lords 13 May 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
13 May 1875.*

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[Bill 177.]

*Under 2 oz.*

# Agricultural Holdings (England) Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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  - 47. Exception of non-agricultural and small holdings.
  - 48. Exception where other compensation.
  - 49. General saving of rights.
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B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for amending the Law relating to Agricultural Holdings in England. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as The Agricultural Holdings (England) Act, 1875. Short title.

2. This Act shall commence from and immediately after the fourteenth day of February one thousand eight hundred and seventy-six. Commencement of Act.

3. This Act shall not extend to Scotland or Ireland. Extent of Act.

4. In this Act—

“Contract of tenancy” means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will : Interpretation.

“Determination of tenancy” means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause :

“Landlord” means the person for the time being entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy, whatever be the extent of his interest, and although his interest is incumbered or charged by himself or his settlor, or otherwise, to any extent ; the party to a contract of tenancy under which land is actually occupied being alone deemed to be the landlord in relation to the actual occupier :

“Tenant” means the holder of land under a contract of tenancy :

[Bill 222.]



A.D. 1875.

“Landlord” or “tenant” includes the agent authorized in writing to act under this Act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant :

5

“Holding” includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy :

“The letting value” means the rent at which the holding could be or could have been let if the improvement had not been executed :

10

“County court,” in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate :

“Person” includes a body of persons and a corporation aggregate or sole.

15

The designations of landlord and tenant shall, for the purposes of this Act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of the tenancy.

20

*Tenant's Compensation for Improvements.*

Tenant's  
title to com-  
pensation.

5. Where, after the commencement of this Act, a tenant executes on his holding an improvement comprised in either of the three classes following :

FIRST CLASS.

25

Drainage of land.	Making or improving of water-courses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes.	30
Erection or enlargement of buildings.	Making of fences.	
Laying down of permanent pasture.	Planting of hops.	
Making and planting of osier beds.	Planting of orchards.	
Making of water meadows or works of irrigation.	Reclamation of waste land.	
Making of gardens.	Warping of land.	35
Making or improving of roads or bridges.		

SECOND CLASS.

Boning of pasture land with undissolved bones.	Claying of land.	
Chalking of land.	Liming of land.	
Clay-burning.	Marling of land.	40

THIRD CLASS.

A.D. 1875.

Application to land of purchased artificial or other manure.	Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.
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5

he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

6. An improvement shall be deemed, for the purposes of this Act, to be exhausted at the respective times following after the year of tenancy in which the outlay thereon is made :

Time in which improvement exhausted.

Where the improvement is of the first class, the end of twenty years :

Where it is of the second class, the end of seven years :

- 15 Where it is of the third class, the end of two years, or the taking of a crop of corn or potatoes (whichever first happens).

7. The amount of the tenant's compensation, in respect of an improvement of the first or of the second class, shall be the sum laid out by the tenant on the improvement, with a deduction of one-twentieth, or of one-seventh part thereof, according to the class for each year for which the tenancy endures after the year of tenancy in which the outlay is made ; but so that the amount of the compensation shall not in any case exceed a capital sum fairly representing the addition which the improvement, as far as it is unexhausted at the determination of the tenancy, then makes to the letting value of the holding.

Amount of tenant's compensation for first and second class.

8. The amount of the tenant's compensation, in respect of an improvement of the third class, shall be as follows :

Tenant's compensation for third class.

- 30 Where the tenancy endures for less than one year after the year of tenancy in which the outlay on the improvement is made, and a crop of corn or potatoes is not taken after the outlay before the determination of the tenancy, then the amount of compensation shall be the sum properly laid out by the tenant on the improvement.

- 35 Where the tenancy endures for one year or upwards, but less than two years, after the year of tenancy in which the outlay on the improvement is made, and a crop of corn or potatoes is not taken after the outlay before the determination of the tenancy, then the amount of compensation shall be one-half of the sum properly laid out by the tenant on the improvement.

40



A.D. 1875.

Where the tenancy endures for two years after the year of tenancy in which the outlay on the improvement is made, or a crop of corn or potatoes is taken after the outlay before the determination of the tenancy, then the tenant shall be deemed to have received full compensation. 5

Consent of  
landlord for  
first class.

9. The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

Notice to  
landlord for  
second class.

10. The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless not more than 10 twenty-one and not less than seven days before beginning to execute it he has given to the landlord notice in writing of his intention to do so.

Restrictions  
as to third  
class.

11. In the ascertainment of the amount of compensation in respect of an improvement of the third class, there shall not be 15 taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or other less number of years for which the tenancy has endured.

Deductions  
from com-  
pensation for  
taxes, rent,  
&c.

12. The amount of the tenant's compensation shall be subject to 20 the following deductions :

- (1.) For taxes, rates, and tithe-rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord :
- (2.) For rent due or becoming due in respect of the holding : 25
- (3.) For the landlord's compensation under this Act.

Set-off of  
benefit to  
tenant.

13. In the ascertainment of the amount of the tenant's compensation there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement. 30

#### *Landlord's Compensation.*

Landlord's  
title to com-  
pensation.

14. Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the contract of tenancy, the landlord shall be entitled to obtain, on the determination of the tenancy, compensation in respect thereof, 35 subject and according to the provisions of this Act.

#### *Procedure.*

Notice of  
intended  
claim.

15. Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless before the deter- mination of the tenancy he gives notice in writing to the landlord 40 of his intention to make a claim for compensation under this Act.

Where a tenant gives such a notice the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act. A.D. 1875.

5 Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim.

16. The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act. Compensation agreed or settled by reference.

10 If in any case they do not so agree the difference shall be settled by a reference.

17. Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows : Appointment of referee or referees and umpire.

15 (1.) If the parties concur, there may be a single referee appointed by them jointly :

(2.) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties of his appointment fails to act, the proceedings shall begin afresh, as if no referee had been appointed :

20 (3.) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee :

(4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from the party appointing him of his appointment fails to act, the party appointing him shall appoint another referee :

25 (5.) Notice of every appointment of a referee by either party shall be given to the other party :

(6.) If for seven days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint a competent and impartial person to be a referee :

30 (7.) Where two referees are appointed they shall before they enter on the reference appoint an umpire :

35 (8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire :

(9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire :

40 (10.) Every appointment, notice, and request under this section shall be in writing.



A.D. 1875. The powers of the county court under this section shall be exerciseable by the judge of the court without as well as within the district, and may, by consent of the parties, be exercised by the registrar of the court.

Mode of submission to reference. 18. The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it, and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Power for referee, &c. to require production of documents, administer oaths, &c. 19. The referee or referees or umpire may call for the production of any document or evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

Power to proceed in absence. 20. The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient after notice given to the parties.

Form of award. 21. The award shall be in writing, signed by the referee or referees or umpire.

Time for award of referee or referees. 22. A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them.

30

Reference to and award by umpire. 23. Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

35

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court, on the application of the umpire, or of either party, appoints, so that the umpire make his award ready for delivery within a time not exceeding in the whole forty-nine days after notice to him as aforesaid.

40

24. The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify— A.D. 1875.

The particulars of the several improvements, acts, and things in respect whereof compensation is awarded; Award to give particulars.

5 The time at which each thereof was executed, committed, or permitted;

The mode and extent in and to which each improvement of the first or of the second class adds to the letting value of the holding;

10 The sum awarded in respect of each improvement, act, or thing; and

The sum expended by the tenant on each improvement.

25. The costs of and attending the reference, including the remuneration of the referee or referees and umpire, and other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case. Costs of reference.

20 The award may direct the payment of the whole or any part of those costs by the one party to the other, and in that case the award shall specify the amount to be so paid.

The amount of the costs shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

26. The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise. Day for payment.

30 27. A submission or award shall not be made a rule of any court, or be removeable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act. Submission not to be removeable, &c.

28. An award shall for all purposes be valid, if, in respect of form, the requisitions of this Act are observed in the award, and if it substantially decides the matters referred, and is not open to question on the ground of misconduct on the part of a referee or umpire. Validity of award.

29. Where the award is valid, and the sum claimed by neither party for compensation exceeds fifty pounds, the award shall be final. Appeal to county court.

Where the award is not valid, either party, and, where the sum claimed by either party for compensation exceeds fifty pounds, that party, may, within seven days after notice of the award, appeal



A.D. 1875. against it to the judge of the county court, and he shall rehear the case.

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge may, if he thinks fit, state a special case 5 on a question of law, or of rejection or admission of evidence, for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon. 10

Recovery of compensation.

**30.** Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable. 15

Appointment of guardian.

**31.** Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires. 20

Provisions respecting married women.

**32.** The county court may appoint a person to act as the next friend of a married woman for the purposes of this Act, and may remove or change that next friend if and as occasion requires.

A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this Act, be as if she 25 was unmarried.

Where any other married woman is desirous of doing any act under this Act, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time 30 being is, touching her knowledge of the nature and effect of the intended Act, and it shall be ascertained that she is acting freely and voluntarily.

Costs in county court.

**33.** The costs of proceedings in the county court under this Act shall be in the discretion of the court. 35

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

#### *Charge of Tenant's Compensation.*

Power for landlord, on paying compensation, to

**34.** A landlord, on paying to the tenant the amount of com- 40 pensation due to him under this Act, may obtain from the county court a charge on the holding in respect thereof.

The court shall have power, on proof of the payment, to make an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the

A.D. 1875.  
obtain  
charge for  
himself.

5 court thinks fit.

But where the landlord is not absolute owner for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, under this Act, be deemed to be exhausted.

10 The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

35. Where a tenancy is determined by the act or default of the tenant, or by or in consequence of a breach on his part of a covenant or other agreement or condition connected with the contract of tenancy, the landlord, instead of paying to the tenant the amount of compensation (if any) due to him under this Act, may, on notice to the tenant, obtain from the county court a charge on the holding in respect of that amount, in favour of the tenant, his executors, administrators, and assigns.

Power for  
landlord to  
obtain charge  
for tenant,  
in certain  
cases.

20 The Court shall have power, on proof of the amount of compensation due, to make an order charging the holding with payment thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Court thinks fit.

But where the landlord is not absolute owner for his own benefit no instalment or interest shall be made payable after the time when the improvement, in respect whereof compensation is agreed or awarded, will, under this Act, be deemed to be exhausted.

A charge under this section shall be full satisfaction for the compensation due to the tenant.

30 36. The sum charged by the order of a county court under this Act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding.

Duration of  
charge.

35 *Duchy Lands.*

37. This Act shall extend and apply to land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown.

Application  
of Act to  
Crown lands.

With respect to such land, for the purposes of this Act, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or



A.D. 1875. body, then such person as Her Majesty, her heirs or successors, may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners 5  
of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect 10  
to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement of the second class, or of the third class, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be 15  
payable by those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application  
of Act to  
land of Duchy  
of Lancaster.

**38.** This Act shall extend and apply to land belonging to Her Majesty, her heirs and successors, in right of the Duchy of Lancaster. 20

\* With respect to such land, for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the first 25  
class shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, her heirs or successors, in right of the Duchy, within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to 30  
the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the Duchy. 35

The amount of any compensation payable under this Act to the Chancellor of the Duchy shall be paid into the hands of the Receiver General of the revenues of the Duchy, or of his sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase money for 40  
land sold under The Duchy of Lancaster Lands Act, 1855, is applicable under section two of that Act.

**39.** This Act shall extend and apply to land belonging to the Duchy of Cornwall. A.D. 1875.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorized or required to do thereunder. Application  
of Act to  
land of  
Duchy of  
Cornwall.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of The Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

*Ecclesiastical and Charity Lands.*

**40.** Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England. Landlord,  
archbishop  
or bishop.

**41.** Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy). Landlord,  
incumbent of  
benefice.

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

**42.** The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the



A.D. 1875. application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

Landlord  
charity  
trustees, &c.

**42.** The powers by this Act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except 5 with the previous approval in writing of the Charity Commissioners for England and Wales.

*Notice to quit.*

Time of  
notice to  
quit.

**43.** Where a half-year's notice, expiring with a year of tenancy, is by law necessary and sufficient for determination of a tenancy 10 from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt.

*Resumption for Improvements.*

15

Resumption  
of possession  
for cottages,  
&c.

**44.** Where on a tenancy from year to year a notice to quit is given with a view to the use of land for any of the following purposes :

The erection of farm labourers cottages, with or without gardens;

The providing of gardens for existing farm labourers cottages; 20

The allotment of gardens for labourers;

The planting of trees;

The opening or working of a stone quarry;

The obtaining of brick earth or gravel;

The making of a watercourse or reservoirs; 25

The making of roads;

and the notice to quit so states, then it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compen- 30 sation shall apply as on determination of a tenancy in respect of an entire holding.

The tenant shall also be entitled to a proportionate reduction of rent, and the amount thereof shall be ascertained by agreement or settled by a reference under this Act as in case of compensation 35 (but without appeal).

*General Application of Act.*

No restric-  
tion on  
contract.

**45.** Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with 40 the operation thereof.

46. This Act, subject to any contract in writing between the landlord and tenant, shall apply to all contracts of tenancy taking effect after the commencement of this Act.

A.D. 1875.

Application of Act as regards current and future tenancies.

For the purposes of this section, a contract of tenancy from year to year, current at the commencement of this Act, shall be deemed to take effect from and after the end of the first year of tenancy beginning after the commencement of this Act.

Except as in this section provided, this Act shall not apply to any contract of tenancy current at the commencement of this Act.

47. Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than five acres.

Exception of non-agricultural and small holdings.

48. A tenant shall not be entitled to compensation under this Act and under any custom of the country or contract in respect of the same work or thing.

Exception where other compensation.

49. Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exercisable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe-rentcharge, rent, or other thing.

General saving of rights.



**Agricultural Holdings**  
**(England). [H.L.]**

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A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act for amending the Law relating  
to Agricultural Holdings in England.

*(Brought from the Lords 13 May 1875.)*

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*Ordered, by The House of Commons, to be Printed,  
25 June 1875.*

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[Bill 222.]

*Under 2 oz.*

# Agricultural Holdings (England) Bill. [H.L.]

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

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## ARRANGEMENT OF CLAUSES.

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1. Short title.
2. Commencement of Act.
3. Extent of Act.
4. Interpretation.

### *Tenant's Compensation.*

5. Tenant's title to compensation.
6. Time in which improvement exhausted.
7. Amount of tenant's compensation for first and second class.
8. Tenant's compensation for third class.
9. Consent of landlord for first class.
10. Notice to landlord for second class.
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15. Landlord's title to compensation.

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Clauses.

- 46. No restriction on contract.
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  - 50. Exception of non-agricultural and small holdings.
  - 51. Exception where other compensation.
  - 52. General saving of rights.
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# B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITLED

An Act for amending the Law relating to Agricultural Holdings in England. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## 5 *Preliminary.*

1. This Act may be cited as The Agricultural Holdings (England) Act, 1875. Short title.

2. This Act shall commence from and immediately after the fourteenth day of February one thousand eight hundred and seventy- Commence-  
ment of Act.  
10 six.

3. This Act shall not extend to Scotland or Ireland.

4. In this Act—

“Contract of tenancy” means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will :

Extent of  
Act.  
Interpreta-  
tion.

“Determination of tenancy” means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause :

“Landlord” means the person for the time being entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy, whatever be the extent of his interest, and although his interest is incumbered or charged by himself or his settlor, or otherwise, to any extent ; the party to a contract of tenancy under which land is actually occupied being alone deemed to be the landlord in relation to the actual occupier :

“Tenant” means the holder of land under a contract of tenancy :

[Bill 277.]

A



A.D. 1875.

“Landlord” or “tenant” includes the agent authorized in writing to act under this Act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant :

5

“Holding” includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy :

“County court,” in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate :

10

“Person” includes a body of persons and a corporation aggregate or sole.

The designations of landlord and tenant shall, for the purposes of this Act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of the tenancy.

15

*Tenant's Compensation.*

Tenant's title to compensation.

5. Where, after the commencement of this Act, a tenant executes on his holding an improvement comprised in either of the three classes following :

20

FIRST CLASS.

Drainage of land.	Making or improving of water-	
Erection or enlargement of buildings.	courses, ponds, wells, or reservoirs, or of works for	25
Laying down of permanent pasture.	supply of water for agricultural or domestic purposes.	
Making and planting of osier beds.	Making of fences.	
Making of water meadows or works of irrigation.	Planting of hops.	
Making of gardens.	Planting of orchards.	30
Making or improving of roads or bridges.	Reclaiming of waste land.	
	Warping of land.	

SECOND CLASS.

Boning of land with undissolved bones.	Claying of land.	35
Chalking of land.	Liming of land.	
Clay-burning.	Marling of land.	

## THIRD CLASS.

A.D. 1875.

Application to land of purchased  
artificial or other purchased  
manure.

Consumption on the holding by  
cattle, sheep, or pigs of cake  
or other feeding stuff not pro-  
duced on the holding.

5

he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

- 10 6. An improvement shall not in any case be deemed, for the purposes of this Act, to continue unexhausted beyond the respective times following after the year of tenancy in which the outlay thereon is made :

Time in  
which im-  
provement  
exhausted.

Where the improvement is of the first class, the end of twenty years :

- 15 7. Where it is of the second class, the end of seven years :

Where it is of the third class, the end of two years, or the taking of a crop of corn, seed hay, or potatoes, or other exhausting crop not consumed on the holding (whichever first happens).

- 20 7. The amount of the tenant's compensation in respect of an improvement of the first class shall be the sum laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made, and while the improvement continues unexhausted, but so that where the land-  
25 lord was not, at the time of the consent given to the execution of the improvement, absolute owner of the holding for his own benefit, the amount of the compensation shall not exceed a capital sum fairly representing the addition which the improvement, as far as it continues unexhausted at the determination of the tenancy, then  
30 makes to the letting value of the holding. The amount of the tenant's compensation in respect of an improvement of the second class shall be the sum properly laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in  
35 which the outlay is made, and while the improvement continues unexhausted.

Amount of  
tenant's  
compensa-  
tion for first  
and second  
class.

8. The amount of the tenant's compensation in respect of an improvement of the third class shall (subject to the provisions of this Act) be such proportion of the sum properly laid out by the  
40 tenant on the improvement as fairly represents the value thereof to an incoming tenant.

Tenant's  
compensa-  
tion for third  
class.



A.D. 1875.

Consent of  
landlord for  
first class.Notice to  
landlord for  
second class.Restrictions  
as to third  
class.Deductions  
from com-  
pensation for  
taxes, rent,  
&c.Set-off of  
benefit to  
tenant.Tenant's  
compensa-  
tion for  
breach of  
covenant.Landlord's  
title to com-  
pensation.

**9.** The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

**10.** The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless not more than 5 forty-two and not less than seven days before beginning to execute it he has given to the landlord notice in writing of his intention to do so, or where it is executed after the tenant has given or received notice to quit unless it is executed with the previous consent in writing of the landlord. 10

**11.** In ascertaining the amount of compensation in respect of an improvement of the third class, there shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or 15 other less number of years for which the tenancy has endured, and there shall be deducted the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off the holding within the last two years of the tenancy or other less time for which the tenancy has 20 endured.

**12.** The amount of the tenant's compensation shall be subject to the following deductions :

- (1.) For taxes, rates, and tithe-rentcharge due or becoming due in respect of the holding to which the tenant is liable as 25 between him and the landlord :
- (2.) For rent due or becoming due in respect of the holding :
- (3.) For the landlord's compensation under this Act.

**13.** In ascertaining the amount of the tenant's compensation there shall be taken into account in reduction thereof any 30 benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

**14.** When a landlord commits a breach of covenant or other agreement or custom connected with the contract of tenancy, the tenant shall be entitled to obtain, on the determination of the 35 tenancy, compensation in respect thereof, subject and according to the provisions of this Act.

#### *Landlord's Compensation.*

**15.** Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the 40

## THIRD CLASS.

A.D. 1875.

Application to land of purchased artificial or other purchased manure.

Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.

5

he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

6. An improvement shall not in any case be deemed, for the purposes of this Act, to continue exhausted beyond the respective times following after the year of tenancy in which the outlay thereon is made :

Time in which improvement exhausted.

Where the improvement is of the first class, the end of twenty years :

- 15 Where it is of the second class, the end of seven years :

Where it is of the third class, the end of two years, or the taking of a crop of corn, seed hay, or potatoes, or other exhausting crop not consumed on the holding (whichever first happens).

7. The amount of the tenant's compensation in respect of an improvement of the first class shall be the sum laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made, and while the improvement continues unexhausted, but so that where the land-lord was not, at the time of the consent given to the execution of the improvement, absolute owner of the holding for his own benefit, the amount of the compensation shall not exceed a capital sum fairly representing the addition which the improvement, as far as it continues unexhausted at the determination of the tenancy, then makes to the letting value of the holding. The amount of the tenant's compensation in respect of an improvement of the second class shall be the sum properly laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made, and while the improvement continues unexhausted.

Amount of tenant's compensation for first and second class.

8. The amount of the tenant's compensation in respect of an improvement of the third class shall (subject to the provisions of this Act) be such proportion of the sum properly laid out by the tenant on the improvement as fairly represents the value thereof to an incoming tenant.

Tenant's compensation for third class.

A.D. 1875.

Consent of  
landlord for  
first class.Notice to  
landlord for  
second class.Restrictions  
as to third  
class.Deductions  
from com-  
pensation for  
taxes, rent,  
&c.Set-off of  
benefit to  
tenant.Tenant's  
compensa-  
tion for  
breach of  
covenant.Landlord's  
title to com-  
pensation.

**9.** The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

**10.** The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless not more than 5 forty-two and not less than seven days before beginning to execute it he has given to the landlord notice in writing of his intention to do so, or where it is executed after the tenant has given or received notice to quit unless it is executed with the previous consent in writing of the landlord. 10

**11.** In ascertaining the amount of compensation in respect of an improvement of the third class, there shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or 15 other less number of years for which the tenancy has endured, and there shall be deducted the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off the holding within the last two years of the tenancy or other less time for which the tenancy has 20 endured.

**12.** The amount of the tenant's compensation shall be subject to the following deductions :

- (1.) For taxes, rates, and tithe-rentcharge due or becoming due in respect of the holding to which the tenant is liable as 25 between him and the landlord :
- (2.) For rent due or becoming due in respect of the holding :
- (3.) For the landlord's compensation under this Act.

**13.** In ascertaining the amount of the tenant's compensation there shall be taken into account in reduction thereof any 30 benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

**14.** When a landlord commits a breach of covenant or other agreement or custom connected with the contract of tenancy, the tenant shall be entitled to obtain, on the determination of the 35 tenancy, compensation in respect thereof, subject and according to the provisions of this Act.

#### *Landlord's Compensation.*

**15.** Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the 40



contract of tenancy, the landlord shall be entitled to obtain, on the determination of the tenancy, compensation in respect thereof, subject and according to the provisions of this Act.

A.D. 1875.

*Procedure.*

- 5   **16.** Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless one month at least before the determination of the tenancy he gives notice in writing to the landlord of his intention to make a claim for compensation under this Act. Notice of intended claim.
- 10   Where a tenant gives such a notice the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act.
- Every such notice and counter-notice shall state, as far as reason-  
15 ably may be, the particulars of the intended claim.
- 17.** The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act. Compensation agreed or settled by reference.
- If in any case they do not so agree the difference shall be settled  
20 by a reference.
- 18.** Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows : Appointment of referee or referees and umpire.
- (1.) If the parties concur, there may be a single referee appointed by them jointly :
- 25   (2.) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties requiring him to act fails to act, the proceedings shall begin afresh, as if no referee had been appointed :
- (3.) If the parties do not concur in the appointment of a single  
30 referee, each of them shall appoint a referee :
- (4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from the party appointing him requiring him to act fails to act, the party appointing him shall appoint another referee :
- 35   (5.) Notice of every appointment of a referee by either party shall be given to the other party :
- (6.) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving  
40 notice, the county court shall within fourteen days appoint a competent and impartial person to be a referee :

A.D. 1875.

(7.) Where two referees are appointed they shall before they enter on the reference appoint an umpire :

(8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire :

(9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire :

(10.) Every appointment, notice, and request under this section shall be in writing.

The powers of the county court under this section shall be exerciseable by the judge of the court having jurisdiction without as well as within his district, and may, by consent of the parties, be exercised by the registrar of the court.

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Mode of submission to reference.

19. The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it, and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Power for referee, &c. to require production of documents, administer oaths, &c.

20. The referee or referees or umpire may call for the production of any sample, or voucher or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations ; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

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Power to proceed in absence.

21. The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient after notice given to the parties.

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Form of award.

22. The award shall be in writing, signed by the referee or referees or umpire.

Time for award of referee or referees.

23. A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

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Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding

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in the whole forty-nine days after the appointment of the last appointed of them. A.D. 1875.

24. Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

Reference to  
and award  
by umpire.

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court, on the application of the umpire, or of either party, appoints.

25. The award shall find and state the time at which each improvement, in respect whereof compensation is awarded, is taken, for the purposes of the award, to be exhausted.

Duration of  
improvement  
to be found.

26. The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify—

Award to  
give parti-  
culars.

The particulars of the several improvements, acts, and things in respect whereof compensation is awarded ;

20 The time at which each thereof was executed, committed, or permitted ;

In the case of an improvement of the first class, where the landlord was not at the time of the consent given to the execution thereof absolute owner of the holding for his own benefit, the extent to which the improvement adds to the letting value of the holding ;

25

The sum awarded in respect of each improvement, act, or thing ;  
and

The sum laid out by the tenant on each improvement.

30 27. The costs of and attending the reference, including the remuneration of the referee or referees and umpire, and other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

Costs of  
reference.

35

The award may direct the payment of the whole or any part of those costs by the one party to the other.

The amount of the costs mentioned in this clause shall be subject to taxation by the registrar of the county court, on the application

40



A.D. 1875. of either party, but that taxation shall be subject to review by the  
 — judge of the county court.

Day for  
 payment.

**28.** The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise. 5

Submission  
 not to be  
 removeable,  
 &c.

**29.** A submission or award shall not be made a rule of any court, or be removeable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act.

Appeal to  
 county court.

**30.** Where the sum claimed for compensation exceeds fifty pounds, either party may, within seven days after delivery of the award, appeal against it to the judge of the county court, on the ground,— 10

1. That the award is invalid;

2. That compensation has been awarded for improvement acts or things in respect of which the party claiming was not entitled to compensation; 15

and the county court judge shall hear and determine the said appeal, or, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit. 20

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge shall, at the request of either party, state a special case on a question of law for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon. 25

Recovery of  
 compensa-  
 tion.

**31.** Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable upon order made by the judge of the county court as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable. 30

Appoint-  
 ment of  
 guardian.

**32.** Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires. 35

**33.** The county court may appoint a person to act as the next friend of a married woman for the purposes of this Act, and may remove or change that next friend if and as occasion requires. A.D. 1875.  
Provisions  
respecting  
married  
women.

A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of such land as if she was unmarried.

Where any other married woman is desirous of doing any act under this Act, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended Act, and it shall be ascertained that she is acting freely and voluntarily.

**34.** The costs of proceedings in the county court under this Act shall be in the discretion of the court. Costs in  
county  
court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

#### *Charge of Tenant's Compensation.*

**35.** A landlord, on paying to the tenant the amount of compensation due to him under this Act, may obtain from the county court a charge on the holding in respect thereof. Power for  
landlord, on  
paying com-  
pensation, to  
obtain  
charge for  
himself.

The court shall have power, on proof of the payment, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, to make an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But where the landlord is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, under this Act, be deemed to be exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

**36.** Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever. Advance  
made by a  
company  
for the  
improvement  
of land.

A.D. 1875.

Duration of  
charge.

**37.** The sum charged by the order of a county court under this Act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding. 5

*Crown and Duchy Lands.*Application  
of Act to  
Crown lands.

**38.** This Act shall extend and apply to land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown.

With respect to such land, for the purposes of this Act, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, 10 or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as Her Majesty, her heirs or successors, may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, her heirs and successors, and shall be deemed to be 15 the landlord.

Any compensation payable under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within 20 section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement of the second class, 25 or of the third class, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be payable by those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application  
of Act to  
land of Duchy  
of Lancaster.

**39.** This Act shall extend and apply to land belonging to 30 Her Majesty, her heirs and successors, in right of the Duchy of Lancaster.

With respect to such land, for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord. 35

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the first class shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, her heirs or successors, in right of the Duchy, within section twenty-five of the Act of the fifty- 40 seventh year of King George the Third, chapter ninety-seven, and



shall be raised and paid as in that section provided with respect to the expenses therein mentioned. A.D. 1875.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the Duchy.

The amount of any compensation payable under this Act to the Chancellor of the Duchy shall be paid into the hands of the Receiver General of the revenues of the Duchy, or of his sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase money for land sold under The Duchy of Lancaster Lands Act, 1855, is applicable under section two of that Act.

40. This Act shall extend and apply to land belonging to the Duchy of Cornwall. Application of Act to land of Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorized or required to do thereunder.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of The Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

#### *Ecclesiastical and Charity Lands.*

41. Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England. Landlord, archbishop or bishop.

42. Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in

A.D. 1875. writing of the Governors of Queen Anne's Bounty (that is, the  
 ——— Governors of the Bounty of Queen Anne for the Augmentation of  
 the Maintenance of the Poor Clergy).

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in 5  
 their hands, pay to the tenant the amount of compensation due to  
 him under this Act; and thereupon they may, instead of the in-  
 cumbent, obtain from the county court a charge on the holding, in  
 respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change 10  
 of the incumbent.

The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then 15  
 vacant, would be entitled to present thereto).

Landlord  
 charity  
 trustees, &c.

43. The powers by this Act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except with the previous approval in writing of the Charity Commissioners for England and Wales. 20

*Notice to quit.*

Time of  
 notice to  
 quit.

44. Where a half-year's notice, expiring with a year of tenancy, is by law necessary and sufficient for determination of a tenancy from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same; but nothing in this 25  
 section shall extend to a case where the tenant is adjudged bank-  
 rupt, or has filed a petition for a composition or arrangement with  
 his creditors, or is five months in arrear of his rent, the same  
 having been lawfully demanded in writing and not paid within  
 fourteen days after such demand. 30

*Resumption for Improvements.*

Resumption  
 of possession  
 for cottages,  
 &c.

45. Where on a tenancy from year to year a notice to quit is given with a view to the use of land for any of the following purposes :

The erection of farm labourers cottages or other houses, with or 35  
 without gardens ;

The providing of gardens for existing farm labourers cottages or  
 other houses ;

The allotment for labourers of land for gardens or other  
 purposes ; 40

The planting of trees ;

The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith ;

A.D. 1875.

5 The obtaining of brick earth, gravel, or sand ;

The making of a watercourse or reservoirs ;

The making of any road, tramroad, siding, canal, or basin, or any wharf, pier, or other works connected therewith ;

and the notice to quit so states, then it shall, by virtue of this Act,

10 be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

15 The tenant shall also be entitled to a proportionate reduction of rent, and the amount thereof shall be ascertained by agreement or settled by a reference under this Act as in case of compensation (but without appeal).

#### *General Application of Act.*

20 **46.** Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof.

No restriction on contract.

25 **47.** A landlord and tenant, whether the landlord is absolute owner of the holding for his own benefit or not, may, in any agreement in writing relating to the holding, adopt by reference any of the provisions of this Act respecting procedure or any other matter, without adopting all the provisions of this Act ; and any provision so adopted shall have effect in connexion with the agreement

Adoption of parts of Act by agreement.

30 accordingly.

But where, at the time of the making of the agreement, the landlord was not absolute owner of the holding for his own benefit, no charge shall be made on the holding, under this Act, by virtue of the agreement, greater than or different from the charge which

35 might have been made thereon, under this Act, in the absence of the agreement.

**48.** This Act shall apply to every contract of tenancy beginning after the commencement of this Act, unless, in any case, the landlord and tenant agree in writing, in the contract of tenancy, or

Application of Act to future tenancies.

40 otherwise, that this Act, or any part or provision of this Act, shall not apply to the contract ; and, in that case, this Act, or the part



A.D. 1875. or provision thereof to which that agreement refers (as the case may be), shall not apply to the contract.

Application  
of Act to  
existing  
tenancies.

**49.** In any case of a contract of tenancy from year to year or at will, current at the commencement of this Act, this Act shall not apply to the contract, if within two months after the com- 5  
mencement of this Act the landlord or the tenant gives notice in writing to the other to the effect that he (the person giving the notice) desires that the existing contract of tenancy between them shall remain unaffected by this Act, but such a notice shall be revocable by writing; and in the absence of any such notice, or on 10  
revocation of every such notice, this Act shall apply to the contract.

In every other case of a contract of tenancy current at the commencement of this Act, this Act shall not apply to the contract.

15

Exception of  
non-agri-  
cultural  
and small  
holdings.

Exception  
where  
other com-  
pensation.

General  
saving of  
rights.

**50.** Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than two acres.

**51.** A tenant shall not be entitled to claim compensation under this Act and under any custom of the country or contract in 20  
respect of the same work or thing.

**52.** Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other Act or law, or under any 25  
custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe-rentcharge, rent, or other thing.



# Agricultural Holdings (England). [H.L.]

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A

## B I L L

[AS AMENDED IN COMMITTEE AND ON  
RE-COMMITMENT]

INTITLED

An Act for amending the Law relating  
to Agricultural Holdings in England.

(*Brought from the Lords 13 May 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
29 July 1875.*

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[Bill 277.]

*Under 3 oz.*



# Agricultural Labourers Dwellings (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
2. Definitions.
3. Exemption of certain tenements from taxation.
4. Requisites of improved agricultural labourers tenements.
5. Landlord may apply to have tenements registered.
6. Collectors of poor rates to make out list of tenements.
7. Power to guardians and ratepayers to object.
8. Inspection of tenements.
9. Appeal to quarter sessions.
10. Quarter sessions to notify result to commissioner of valuation.
11. Guardians to pay necessary expenses.
12. Commissioner of valuation to register tenements.
13. Improved tenements to be distinguished in valuation lists.
14. Copies of valuation lists to be evidence.
15. Rates made thirty days after guardians receive lists not to be levied on improved tenements.
16. Expenses of commissioner of valuation.
17. Rent payable for tenements registered under this Act.
18. Application of summary remedy for possession.
19. Act not to deprive landlord of other remedies at law or in equity.
20. Land agent not to act as justice if interested.
21. Power to make rules, forms of notices, mode of proceedings, &c.
22. General rules may be made by chairmen of quarter sessions.

Clauses.

- 23. Rules to be laid before Parliament.
- 24. Saving clause.
- 25. Recovery of penalties and costs.
- 26. Act to apply to Ireland only.
- 27. Duration of Act.

SCHEDULE.

A  
B I L L

TO

Encourage the Erection and Improvement of Dwellings for A.D. 1875.  
Agricultural Labourers in Ireland.

**W**HEREAS it is expedient to encourage the erection and maintenance of improved dwellings for agricultural labourers in Ireland, and for such purpose to amend the law relating to the valuation of rateable property in Ireland with respect to such dwellings, and to make such provisions as are in this Act contained :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Agricultural Labourers Tenements (Ireland) Act, 1875." Short title.

2. In this Act the expression "the Valuation Acts" shall mean the Acts relating to the valuation of rateable property in Ireland specified in the Schedule to this Act annexed, and any Acts which may hereafter be passed amending the same. Definitions.

The term "landlord" shall mean the immediate lessor of any tenement, or the agent, receiver, or other person legally representing such lessor.

20 The term "prescribed" shall mean prescribed by any rules made in pursuance of this Act.

The several words and expressions to which by the Valuation Acts meanings are assigned have in this Act the same respective meanings.

25 3. Except as by this Act expressly provided, every tenement registered under this Act as an improved agricultural labourers tenement shall, so long as it continues to be so registered, be exempt from all rates, taxes, duties, and assessments whatsoever, whether public, general, or local. Exemption of certain tenements from taxation.



A.D. 1875.

Requisites of improved agricultural labourers tenements.

4. Any tenement which satisfies all the following requisites may be registered as an improved agricultural labourers tenement under this Act:

1. Such tenement shall be in good repair :
2. Such tenement shall contain a sufficient number of rooms and of a sufficient size to accommodate the persons actually occupying such tenement without overcrowding, and to provide for the due separation of the sexes at night :
3. Such tenement shall contain such accommodation as regards ventilation, drainage, and all other matters as is sufficient to provide for the wholesome occupation of such tenement by the inmates :
4. Such tenement shall be let to and be in the occupation of a tenant gaining his living wholly or mainly as a labourer upon land which is agricultural or pastoral in its character or partly agricultural and partly pastoral :
5. The amount of land included in such tenement shall not exceed *half an acre* :

Provided always, that in estimating the amount of land included in any such tenement, any land not exceeding *half an acre* in extent held in conacre, and used exclusively for the growing of potatoes or other green crops, shall not be reckoned.

Landlords may apply to have tenements registered.

5. Any landlord who may be desirous of causing any tenement to be registered under this Act as an improved agricultural labourers tenement shall, on or before the *first day of November* in any year, deliver to the collector of the poor rates within the poor law union within which such tenement is situated a notice in writing signed by such landlord stating his wish that such tenement should be so registered, or if such tenement has been previously registered under this Act, a notice stating his wish that such tenement shall continue to be so registered.

Collectors of poor rates to make out lists of tenements.

6. On the *fifteenth day of November* in each year every collector of poor rates within each poor law union shall make out and deliver to the clerk of such union, to be by him laid before the board of guardians of such union, a list of all such notices as have been received by him in respect of tenements situated within every townland in the said union and within his district, and of all such tenements; and if such collector shall fail or neglect to make out such list according to the best of his ability, and deliver the same to the clerk of the guardians on such *fifteenth day of November* as aforesaid, he shall for every such neglect or default be liable to a

penalty not exceeding *five pounds*; and the clerk of each poor law union shall, for ten days after receiving any such list, leave the same open for public inspection at the workhouse of such union, and permit extracts to be made therefrom; and shall, on or before the  
5 *twenty-seventh of November* in each year, make out a full and complete list of all tenements mentioned in such lists delivered to him as aforesaid on the *fifteenth day of the same month*, and transmit the list so made out by him to the commissioner of valuation acting under the authority of the Valuation Acts. A.D. 1875.

10 7. The board of guardians of and any ratepayer within the poor law union within which any tenement mentioned in any such list is situated, if they or he object to such lists on account of the insertion or continuance therein of any tenement, may within the prescribed time and in the prescribed manner transmit to the  
15 commissioner of valuation a notice in the prescribed form, hereinafter called a "notice of objection," signed by the clerk of such guardians or by such ratepayer, stating the reasons why they or he object to the insertion or continuance of such tenement in such list. Power to guardians and rate-payers to object.

20 8. As soon as may be after the receipt of such lists for the several poor law unions in any county and of such notices of objection relating thereto (if any), the commissioner of valuation shall cause the person or persons appointed to revise the valuation of the tenements requiring revision in such poor law unions, or (if no person has been  
25 appointed for the purpose aforesaid) the commissioner of valuation shall appoint a fit and proper person or fit and proper persons, to inspect the said tenements and the person or persons so appointed shall inspect such tenements, and shall take into consideration the notices of objection transmitted to the commissioner of valuation,  
30 with respect to such tenements, or any of them, and inquire into the truth and effect of the allegations therein contained, and shall proceed in such manner as may be prescribed, and shall report whether in his or their opinion the requisites prescribed by this Act have or have not been complied with in the case of every such tenement, and  
35 shall notify such compliance or non-compliance by a certificate under his or their hand or hands addressed to the commissioner of valuation, and shall transmit a copy of every such certificate to the landlord of every such tenement and to the clerk of the poor law union within which such tenement is situated, and the clerk of such  
40 poor law union shall, for *twenty-one days* after receiving the copy of any such certificate, leave the same open for public inspection at the workhouse of such union. Inspection of tenements.

A.D. 1875.

Appeal to  
quarter  
sessions.

9. The landlord of any such tenement and the board of guardians of and any ratepayer within the poor law union within which any such tenement is situated, or any one or more of them, may, within *twenty-one days* after receipt of such certificate by the clerk of such poor law union as aforesaid, if aggrieved thereby, 5 give notice in the prescribed manner to the commissioner of valuation, and to the persons prescribed, of his or their intention to appeal to the next general or quarter sessions of the peace for the division of the county, or for the county of a city, or county of a town within which such tenement shall be situated; but in case 10 the next general or quarter sessions as aforesaid shall commence within *forty days* after the receipt of such certificate as aforesaid by the clerk of the board of guardians, such appeal shall be to the succeeding general or quarter sessions as aforesaid.

The court before which any such appeal shall be brought as 15 aforesaid is hereby empowered and required to hear and determine the matter of such appeal as stated in such notice of appeal, but not any other cause or notice of appeal, and to hear the prescribed persons and to make such order dismissing such appeal, or cancelling, altering, or amending any such certificate, as to such court 20 shall seem fit, and to award such costs to the party appealing or appealed against or any other party who shall be brought before the said court on the hearing of such appeal, whether the appellant shall prosecute such appeal or not, or shall appear at the hearing or not, as the said court shall think proper; and the determination 25 of the said court in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Quarter  
sessions to  
notify result  
to commis-  
sioner of  
valuation.

10. Whenever by the order of any court of quarter sessions before whom any such appeal as aforesaid is brought such appeal shall be dismissed, or any certificate shall be cancelled, altered, or 30 amended, notice of such order of such court shall forthwith be given by the said court to the commissioner of valuation; and such notice shall state either that such appeal has been dismissed, or shall specify exactly every cancellation, alteration, or amendment made in pursuance of such order in every such certificate as aforesaid. 35

Guardians  
to pay neces-  
sary ex-  
penses.

11. The guardians of the poor of the union shall, out of any funds under their control, pay to the clerk of the guardians, or any person appointed in his stead, the reasonable expenses which he shall have incurred in the execution of this Act.

Commis-  
sioner of  
valuation to  
register  
tenements.

12. After the expiration of the said period of *twenty-one days* if no 40 such appeal has been brought, or, if such appeal has been brought, as soon as may be after the receipt of notice of the order of the court of appeal in relation thereto, the commissioner of valuation shall



A.D. 1875.

register every tenement in relation to which, according to such certificate as originally transmitted to him, or as subsequently altered or amended on appeal, the requisites prescribed by this Act are certified to have been complied with in a register to be called "The  
 5 " Register of Improved Agricultural Labourers Tenements," which he is hereby required to keep; and in case in relation to any tenement the said requisites are certified in manner aforesaid as not having been complied with, he shall refuse to register such tenement, or shall, where the same has already been registered, strike the same  
 10 off the register.

Every tenement registered by the said commissioner of valuation in manner aforesaid shall be deemed to be a tenement registered under this Act as an improved agricultural labourers tenement within the meaning of this Act, and shall, so long as it continues  
 15 to be so registered, be exempt from all rates, taxes, duties, and assessments whatsoever, whether public, general, or local.

13. In the lists of valuation and of every revision thereof which the said commissioner of valuation is by the Valuation Acts required to make out and transmit to the guardians of every union  
 20 and to the treasurer of every county he shall distinguish, as being exempt from taxation, every tenement in such union and county which is on the register of improved agricultural labourers tenements: Provided always, that where in relation to any union or county in which any improved agricultural labourers tenement registered  
 25 under this Act is situated there is in any year no revised list, the commissioner of valuation shall make out and prepare a revised list or lists of the rateable hereditaments and tenements within such union or county, and shall distinguish every improved agricultural labourers tenement in such list or lists as being exempt  
 30 from taxation, and shall sign the same, and shall transmit copies of the same to the guardians of every union and to the treasurer of every county in which any such improved agricultural labourers tenement is situated as aforesaid.

Improved tenements to be distinguished in valuation lists.

14. The production of a copy of any such list, or any extract therefrom, relating to any such tenement, signed by the commissioner of valuation, the clerk of the union, or the treasurer of the  
 35 county in which such tenement is situated, shall for the purposes of this Act and of all proceedings thereunder be conclusive evidence of all the facts, matters, and things therein stated in relation to  
 40 such tenement, and that the same is a tenement registered as an improved agricultural labourers tenement within the meaning of this Act.

Copies of valuation lists to be evidence.

A.D. 1875.

Rates made  
30 days after  
guardians  
receive lists  
not to be  
levied on  
improved  
tenements.

15. In every rate to be made after *thirty days* from the receipt of such last-mentioned lists by the board of guardians of any union, and in every applotment of county rate or county cess made by the treasurer of any county, and in every assessment to and for the purposes of any rate, tax, or duty whatsoever, whether public, 5  
general, or local, the tenements distinguished in such lists as improved agricultural labourers tenements registered under this Act shall be excluded and the same shall be exempt from taxation, and shall continue to be exempt until such lists shall be again revised from time to time in the manner provided by the Valuation Acts 10  
and this Act.

Expenses  
of commis-  
sioner of  
valuation.

16. *The expenses incurred by the commissioner of valuation and any person acting under him in pursuance of this Act shall be deemed to be expenses, other than superannuations, pensions, and allowances, incurred in execution of the Valuation Acts, and the 15  
same shall be respectively defrayed, levied, and raised in the manner and subject to the provisions of the said Act in relation to such expenses.*

Rent pay-  
able for tene-  
ments regis-  
tered under  
this Act.

17. The rent payable in respect of any improved agricultural labourers tenement registered under this Act shall, so long as the 20  
same shall continue to be so registered, be a rent at a rate by the year which shall not exceed the amount stated to be the total annual valuation of such improved agricultural labourers tenement in the list or table of valuation in which such tenement is distinguished in manner aforesaid; and any agricultural labourer who 25  
has paid by way of rent in respect of such tenement any sum or sums exceeding such amount as aforesaid may, within *six months* next after any such payment, recover the sum paid by him in excess of such amount by civil bill process in the court of the chairman of the county or riding in which the said improved agricultural 30  
labourers tenement is situated.

Application  
of summary  
remedy for  
possession.

18. The fifteenth section of "The Summary Jurisdiction (Ireland) Act, 1851," shall be applicable to the delivery of the possession of any tenement registered under the provisions of this Act as an improved agricultural labourers tenement when wrong- 35  
fully overheld in the same manner as it would now apply to the delivery of the possession of any tenement within the said Act; but whenever the tenant of any such tenement shall have sown or planted upon such tenement, or upon any part thereof, any growing crop which he shall be unable to save by reason 40  
of the determination of the tenancy, the justices shall by a distinct order fix such sum (if any) as they shall think a fair

compensation to him for the loss of such crop after all just and proper deductions for any loss the landlord may have sustained by the wrongful overholding of such tenement, or by any dilapidation thereof, or on account of any arrear of rent due by the said tenant to the landlord for the said tenement; and no warrant shall be issued to execute the order for possession until the landlord shall have paid or tendered to the tenant or allowed him credit for the sum so fixed by such last-mentioned order.

A.D. 1875.

19. This Act shall not be deemed to deprive the landlord, either before or after the justices may have declined to interfere, of any remedy for the enforcement of his rights which he might otherwise have in the superior or other courts of law or equity in Ireland.

Act not to deprive landlord of other remedies at law or in equity.

20. The land agent of the landlord of any tenement, if a justice of the peace, shall not as such justice take any part in the hearing of any complaint or in the making of any order under this Act in relation to such tenement.

Land agent not to act as justice if interested.

21. The commissioner of valuation may, in relation to the execution of the provisions of this Act (other than appeals), from time to time make, and when made may rescind, annul, vary, or add to, rules with respect to the following matters:

Power to make rules, forms of notices, mode of proceedings, &c.

1. All forms to be used:
2. The persons to be heard and the proceedings to be had in relation to registration:
3. The circulation of forms:
4. The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:
5. As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of giving effect to the aforesaid provisions of this Act.

22. The several chairmen of quarter sessions, or any five of them to be selected at a meeting of the said chairmen to be convened for that purpose, may from time to time, and as often as may be deemed necessary, make and issue such rules as they shall think fit for regulating the forms, proceedings, and general practice in the case of appeals under this Act, and may from time to time alter, vary, and annul any previous rules relating to the practice of the

General rules may be made by chairmen of quarter sessions.



A.D. 1875. said courts in respect of such appeals, and may make any new or other rules in lieu thereof, provided that any such rules shall not be inconsistent with this Act; and such rules shall be transmitted to the clerks of the peace of the respective counties in Ireland, to be by them kept and preserved in their offices, and there to remain 5 open at all times to public inspection; and such rules shall be as binding as if they were contained in this Act.

Rules to be  
laid before  
Parliament.

**23.** Any rules made in pursuance of this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed. 10

Any rules made in pursuance of this Act shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Saving  
clause.

**24.** The provisions of this Act shall not apply to any tenement 15 forming part of any demesne lands or situated in any demesne; and the tenant of any tenement registered as an improved agricultural labourers tenement under this Act shall not be entitled to recover compensation from the landlord of such tenement under the Landlord and Tenant (Ireland) Act, 1870, so long as such 20 tenement shall continue to be so registered.

Recovery of  
penalties and  
costs.

**25.** Every penalty and all costs payable under the provisions of this Act shall be recovered in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices 25 of the peace for such district or of the police of such district, and with respect to other parts of Ireland before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and shall be applied according to the 30 provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

Act to apply  
to Ireland  
only.

**26.** This Act shall extend to Ireland only.

Duration of  
Act.

**27.** This Act shall continue in force until the expiration of *ten* years from the date of the passing thereof, and no longer, unless 35 Parliament shall otherwise determine.

SCHEDULE.

Session and Chapter.		Title.
15 & 16 Vict. c. 63	-	An Act to amend the laws relating to the valuation of rateable property in Ireland.
5 17 Vict. c. 8	-	An Act further to amend an Act relating to the valuation of rateable property in Ireland.
23 Vict. c. 4.	-	An Act to enable the Commissioners of Her Majesty's Treasury to defray one moiety of the expense of the annual revision of the valuation of rateable property in Ireland out of the Consolidated Fund.
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# Agricultural Labourers Dwellings (Ireland).

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A

## B I L L

To encourage the Erection and Improvement of Dwellings for Agricultural Labourers in Ireland.

(Prepared and brought in by  
Mr. Bruen, Viscount Crichton, and  
Mr. Kavanagh.)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 17.]

*Under 2 oz.*



# Allotments Extension Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Interpretation.
  2. Short title.
  3. Extent of Act.
  4. Trustees of lands vested for benefit of the poor to give notice as to letting.
  5. Saving old rights.
  6. Preference to cottagers living in parishes where the lands are situate.
  7. Where lands are held partly for benefit of poor.
  8. Charity Commissioners to settle rules in certain cases.
  9. In case of neglect of trustees to publish notice.
  10. Certificate of Charity Commissioners sufficient defence for trustees.
  11. Arrears of rent.
  12. In case of refusal of tenant to quit.
  13. Recovery of rent.
-



A  
B I L L

TO

Extend the Act of the second year of King William the Fourth, chapter forty-two. A.D. 1875.

WHEREAS by an Act 2 William IV., cap. 42, the trustees of lands allotted under enclosure Acts or found in any other manner appropriated for the benefit of the poor of any parish, together with the churchwardens and overseers of the poor in parish vestry assembled, are required to let portions of such lands in quantities of not more than one statute acre to any one individual, according to their discretion, as a yearly occupation from Michaelmas to Michaelmas, and at such rent as land of the same quality is usually let for in the said parish, to industrious cottagers of good character, being day labourers or journeymen legally settled in the said parish, or dwelling within or near its bounds :

And whereas the provisions of the said Act from its limited application and other causes, have been only partially carried out :

And whereas it is expedient that, having regard to the present Poor Law, the benefit thereof should be extended to all the irremovable poor, and that the same should be extended to all lands, whether cultivated or uncultivated, held for the benefit of the poor as herein-after described, and that a summary remedy should be afforded :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In this Act "trustees" shall mean trustees, feoffees, and managers whether corporate or sole, or a committee of the same in such cases as are provided for in 36 Victoria, cap. 19. Interpretation.

2. This Act may be cited as the Allotments Extension Act, Short title.  
1875.



Extent of  
Act.

Trustees of  
lands vested  
for benefit of  
the poor to  
give notice as  
to letting.

3. This Act shall not apply to Scotland or Ireland.

4. All trustees in whom lands are vested or by whom the same are held or managed for the benefit of the poor, and whereof the rents or produce are distributed in gifts of money, doles, fuel, clothing, bread, or other articles of sustenance or necessity, shall 5 annually, in the month of June in every year give public notice, by affixing the same on the doors of the church of the parish in which such land is situated, and in any extra parochial place on some public building or conspicuous place therein, of the situation and extent of the lands which they so hold or manage, and of the 10 rent per acre which they are ready to accept for the said lands, when let in such portions as aforesaid, and of the time and place during the ensuing months of July and August at which applications of cottagers or labourers, dwelling in the parish or near thereto, to rent such portions may be made; and the said trustees 15 shall on the first Monday in the month of September following, or as soon after as practicable, cause the said lands or such portions or quantities thereof as shall be applied for by the cottagers or labourers as aforesaid, and which shall not already be in the occupation of cottagers or labourers, to be set apart and appropriated to 20 them, subject to the provisions of section six, and the same shall be let to them respectively for one year from the ensuing Michaelmas day in the order in which such persons so applying shall have made their applications: Provided always, that no trustees shall be required under this Act to let such lands to cottagers or labourers 25 if a higher rent can otherwise be obtained, and that it shall be lawful for the trustees to require the rent for any such lands let to cottagers or labourers to be paid for the whole year in advance.

Saving old  
rights.

5. Neither this Act nor "The Poor Allotments Management Act, 1873," shall extend or be applicable to any lands with regard 30 to which the provisions of the second William the Fourth, chapter forty-two, have been put into operation, or to any lands situate in the same parish or in the adjoining parishes, and also under the same trusts as such lands; but all industrious cottagers of good character, being day labourers or journeymen legally settled in any 35 parish in which the said Act of second William the Fourth, chapter forty-two, has been put into operation, or dwelling within its bounds or those of such adjoining parishes, and the poor in any such parishes, shall at all times continue to be entitled to and enjoy the benefits, rights, and privileges created and conferred by the second 40 William the Fourth, chapter forty-two, in as full and ample a manner as they would have been entitled to and have enjoyed the

same if this Act and "The Poor Allotments Management Act, A.D. 1875. 1873," had not been passed.

6. The provisions of this Act shall apply to lands held for the benefit of the poor of any parish or place, whether the said lands be or be not situated in the same parish in or near which such cottagers or labourers dwell, but where the said lands are situated in or near to several parishes, preference shall be given to the cottagers and labourers being inhabitants of the parishes or places for the benefit of the poor of which lands are so held.
7. Where any lands shall be held as aforesaid, partly for the benefit of the poor, and partly for other objects, the provisions of the Act shall apply to such a proportion of the entire quantity of the said lands as the amount of the gross income applicable to the poor shall bear to the entire gross income thereof.
8. Where, from the constitution of the trust relating to such lands, or the distance at which the trustees reside, or any other cause, it may be difficult for them to let the said lands as directed by this Act, the Charity Commissioners may, upon the application of the trustees, or the majority of them, or four or more of the cottagers or labourers dwelling in or near the parish in which the said lands are situated, approve and settle such rules and regulations as may be necessary for appointing local managers or agents, assessing on those who shall become tenants of the said lands under the Act for the expenses of allotting and dividing the land so appropriated, or fencing and protecting the same, and all other necessary rules and regulations for giving effect to the provisions of the Act; and such rules and regulations when so settled and approved shall be binding on all persons and corporations whatsoever.
9. If the trustees of any such lands shall omit, neglect or refuse to publish such notice, or to receive such applications, or set apart or let such portions of the said lands as shall be applied for as aforesaid, any of the said cottagers or labourers who would be entitled to rent a portion of the said lands under the provisions of this Act if the same had been duly observed shall be entitled to apply to the judge of the county court of the district in which the said lands are situated, and the said judge shall issue an order which shall have the same effect and be enforced in the same manner as if issued by either of the superior courts of law or equity, with costs upon the highest scale, unless valid and sufficient cause be shown for such admission, neglect, or refusal.

Preference to cottagers living in parishes where the lands are situate.

Where lands are held partly for benefit of poor.

Charity Commissioners to settle rules in certain cases.

In case of neglect of trustees to publish notice.

A.D. 1875.

Certificate of  
Charity Com-  
missioners  
sufficient  
defence for  
trustees.

10. The certificate of the Charity Commissioners for England and Wales to the effect that in the circumstances of the case there were sufficient grounds for the trustees of any such lands in the execution of their trust or duty, for not offering or taking the necessary steps for offering the lands upon such tenancies as aforesaid shall be a sufficient defence to any such suit; and the judge of the said county court may, if he thinks fit, withhold his judgment until the defendant or defendants shall have had time to apply for such certificate and obtain the same, or the decision of the said Commissioners thereon.

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Arrears of  
rent.

11. If the rent of any portion of such lands held by any cottager or labourer shall at any time be four weeks in arrear, or if at the end of any one year of occupation it shall be the opinion of the trustees or the majority of them that the land has not been duly cultivated, then and in either of such cases the trustees, or a majority of them, may serve a notice to quit upon the occupier of such portion of land; whereupon the said occupier shall deliver up possession of the same to the trustees, or any or either of them, within one week after the notice has been duly served upon him.

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In case of  
refusal of  
tenant to  
quit.

12. If any person to whom such portion of land as aforesaid shall have been let, for his or her own occupation, shall refuse to quit and deliver up possession thereof when thereto required according to the terms of this Act, or if any other person or persons shall unlawfully enter upon or take or hold possession of any such land, it shall be lawful for the trustees, or any or either of them, to exhibit a complaint against the person so in possession of such land before two of Her Majesty's justices of the peace, who are hereby authorised and required to issue a summons, under their hands and seals, to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such justices are hereby required and empowered, upon the appearance of the defendant before them, or upon proof on oath that such summons has been duly served upon him, or left at his usual place of residence, or if there should have been any difficulty in finding such usual place of residence, then upon proof on oath of such difficulty, and that such summons has been affixed on the door of the parish church of the said parish in which such land is situated, and in any extra-parochial place on some public building or other conspicuous place therein, to proceed to hear and determine the matter of such complaint, and if they shall find and adjudge the same to be true, then by warrant under

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their hands and seals to cause possession of the land in question to be delivered to the trustees, or to some of them. A.D. 1875.

**13.** All arrears of rent for the said portions of land shall be recoverable by the trustees or any of them, by application to two of Her Majesty's justices of the peace in petty sessions assembled, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands and seals to levy the same upon the goods and chattels of the person from whom the said rent shall be due and owing.

Recovery of  
rent.

# Allotments Extension.

A

## B I L L

To extend the Act of the second year of King William the Fourth, chapter forty-two.

(Prepared and brought in by  
Sir Charles Dilke, Mr. Edward Jenkins, and  
Mr. Burt.)

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*Ordered, by The House of Commons, to be Printed,  
11 February 1875.*

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[Bill 57.]

*Under 1 oz.*

# Ancient Monuments Bill.

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## ARRANGEMENT OF CLAUSES.

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Clause.

1. Definitions.
2. Appointment of Commissioners.
3. Mode of applying Act to certain monuments.
4. Notice to be given to Commissioners of intended injury to a monument, to which this Act has been applied.
5. Owners, &c. may require Commissioners either to consent to injury, or to acquire power of restraint.
6. Appeal from Commissioners in certain cases.
7. Acquisition of monuments or of power of restraint by agreement with persons interested.
8. Penalty on persons unlawfully destroying or injuring a monument.
9. Access of Commissioners to monuments.
10. Proceedings for ascertaining and paying compensation.
11. Treasury may authorise expenses.
12. Expenses of the Commission.
13. Reports on monuments.
14. Service of notices.
15. Provision for defining the site of a monument.
16. Transfer of a monument to a local authority.
17. Provision as to public works.
18. Saving of informalities.
19. Monuments not to be rated when vested in Commissioners.
20. Saving of the Duchy of Cornwall.
21. Short title.

SCHEDULES.

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A

## B I L L

FOR

## The Preservation of Ancient Monuments.

WHEREAS it is expedient to make provision for the preservation of certain ancient national monuments : A.D. 1875.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In this Act, unless where the context otherwise requires, the following expressions shall respectively be construed as follows, viz. : Definitions.

10 "The Commissioners" means the Commissioners acting under the provisions of this Act :

"The Treasury" means the Commissioners of Her Majesty's Treasury, or any one or more of them :

"Monument" includes the site of a monument and any part of a monument or of the site thereof.

15 "Injure" and "Injury" include the destroying, removing, defacing, altering, covering up, building on, undermining, or in any manner permanently or temporarily damaging or endangering the safety or stability of a monument or any part thereof, or any marks thereon :

20 "Person" includes a corporation.

2. There shall be a Commission for the purposes of this Act.

The Commissioners shall be the Inclosure Commissioners for England and Wales, to whom shall be added for the purposes of this Act,— Appoint-  
ment of  
Commis-  
sioners.

25 1. The persons for the time being holding the several offices of Master of the Rolls in England, the President of the Society of Antiquaries of London, the President of the Society of Antiquaries of Scotland, the President of the Royal Irish Academy, the Keeper of the British Antiquities at the British

A.D. 1875.

Museum, or of such of the said offices as are not for the time being in abeyance or abolished, and

2. *Seven* nominated Commissioners. The Most Noble the Duke of Devonshire, the Most Noble the Duke of Argyll, the Right Honourable Lord Talbot de Malahide, Sir William 5 Robert Wilde, Knight, Augustus Lane Fox, Esquire, John Evans, Esquire, of Nash Mills, Hemel Hempstead, and John Stuart, Esquire, of the General Register House, Edinburgh, shall be the first nominated Commissioners for the purposes of this Act. In case any of the nominated 10 Commissioners dies, resigns, or declines to act, or becomes incapable of acting, it shall be lawful for Her Majesty, from time to time, under her sign manual, to appoint another person to be a Commissioner in his room.

The Commissioners shall be a corporation under the style of the 15 "National Monuments Commission," with perpetual succession and a common seal, and with capacity to take and hold lands for the purposes of this Act without license in mortmain.

Four of the Commissioners shall be a quorum, and, subject to any regulations which the Commissioners may make, the Com- 20 missioners may exercise any of their powers under this Act, either when assembled or without meeting, by writing under their hands or under the hands of any four or more of them.

Mode of  
applying  
Act to  
certain  
monuments.

3. The following provisions shall have effect with respect to the application of this Act to monuments; (viz.) 25

1. This Act shall be applied by the Commissioners to the several monuments specified in the first schedule to this Act:
2. This Act may, subject to appeal in the manner herein-after in this Act provided, be applied by the Commissioners to any 30 British, Celtic, Roman, or Saxon remains, or to any monument which is in the opinion of the Commissioners of the like kind as any of the monuments specified in the said first schedule, and which is not situate in any park, garden, or pleasure ground:
3. This Act shall be applied in the case of any monument as 35 aforesaid by serving a notice, according to the form prescribed in the second schedule to this Act, viz.,
  1. The occupier or occupiers of the site of the monument:
  2. The person or persons (if any) to whom rent is paid by the occupier or occupiers of the site in respect of 40 his or their occupation; and



3. The clerk or clerks of the peace, or sheriff clerk or A.D. 1875.  
clerks for the county or counties in which the  
monument or any part thereof is situate.

4. When this Act has been applied to a monument it shall not  
5 be lawful for any person to injure or to permit injury to the  
monument unless with the consent of the Commissioners, or upon  
default made by them in acquiring, upon requisition made in the  
manner herein-after in this Act mentioned, the monument or a  
power to restrain the exercise of ownership so far as relates to  
10 so injuring or permitting injury to the monument (which power is  
herein-after in this Act referred to as a "power of restraint"). If  
any person who, but for this prohibition, might lawfully have  
injured or permitted the injury of a monument or part of a monu-  
ment acts in contravention of this prohibition, a power of restraint  
15 in respect of the monument or part for the purposes of this Act  
shall upon such injury being begun, or permission to do it being  
given, vest in the Commissioners for so long as the estate, interest,  
or occupation of such person continues.

Notices to be  
given to  
Commis-  
sioners of  
intended  
injury to a  
monument  
to which  
this Act  
has been  
applied.

5. A person who but for this Act might lawfully deal with a  
20 monument or part of a monument to which this Act has been  
applied, by injuring or permitting injury to it, may at any time  
serve on the Commissioners a requisition in the form contained in  
the second schedule to this Act, or in such form as may be prescribed  
by the Commissioners, stating that he proposes to deal with the  
25 monument in a manner described in the requisition, and requiring  
them either to consent to his so dealing with it, or to purchase the  
monument, or (as the case may be) such part thereof, or a power  
of restraint in respect of it, for the purposes of this Act; and  
thereupon the Commissioners shall within *three months* from the  
30 receipt of the requisition either give him the required consent, or  
agree to purchase the monument (or part), or such power according  
to his requisition.

Owners, &c.  
may require  
Commis-  
sioners  
either to  
consent to  
injury, or to  
acquire  
power of  
restraint.

An agreement by the Commissioners to purchase a monument  
or part of a monument, or a power of restraint in respect thereof,  
35 shall be signified in writing accompanied by a certificate of the  
Inclosure Commissioners that provision has been made to their  
satisfaction either by the deposit of moneys or by way of security, or  
partly in one of such ways and partly in the other, for the payment  
of the purchase money or compensation which may become payable  
40 by the Commissioners, and of the costs and expenses which

A.D. 1875. may be incurred in ascertaining the same, or otherwise in relation thereto.

If the person making the requisition is or acts with the consent of a person entitled in possession in fee simple, or in tail, or as heir of entail in possession, or for life or for a life or lives, or for a term of years, of which not less than fifty are unexpired, it shall be at his election to require the Commissioners, upon proof of his title, to acquire either the monument (or part) or a power of restraint in respect of it, but in any other case he shall not be entitled to require the Commissioners to acquire, nor shall they under the provisions of this section acquire the monument (or part), but only a power of restraint in respect of it for the term of the person's estate, interest or occupation.

In case the Commissioners do not within *three months* from the receipt of the requisition signify that they agree to purchase the monument (or part) or power of restraint, as the case may be, they shall be deemed to have given their consent to the monument being dealt with in the proposed manner.

Appeal from  
Commissioners in  
certain cases.

6. Any person who is aggrieved by the application of this Act to a monument, or by a refusal by the Commissioners to consent to a proposed injury to a monument, may at any time within *two months* from such application or refusal, appeal to the court as hereinafter in this section defined; and the court may hear and finally determine the appeal in a summary way, and may confirm, annul, or vary the acts or determinations of the Commissioners, with or without any conditions, and upon such terms as to costs and otherwise, as the court thinks just.

An appeal shall be commenced by serving on the Commissioners a notice of appeal, together with a summons, citation, or other process of the court, requiring the Commissioners to appear by themselves or their agents at a time and place specified in the summons, citation, or process. The notice of appeal shall state the matter by which the appellant is aggrieved, and the substance of the order which he desires the court to make.

The court may adjourn the hearing of an appeal from time to time at its discretion, and may, if it thinks fit, in case either of the parties fails to appear at the time and place appointed for the hearing, proceed and finally determine the matter of the appeal *ex parte*.

The court, for the purposes of this section, shall be as follows: viz.,—

(1.) In the case of a monument situate in England, one of the superior courts of law or equity in England, or a judge thereof:

(2.) In the case of a monument situate in Scotland, the Court of Session or a judge thereof. A.D. 1875.

(3.) In the case of a monument situate in Ireland, one of the superior courts of law or equity in Ireland, or a judge thereof.

A judge of a superior court of law or equity in England or Ireland, or a judge of the Court of Session in Scotland, may act for all the purposes of this section either in chambers or on circuit, or at such place and time, whether in term or in vacation, as he may appoint.

7. The Commissioners at any time may acquire, by agreement with the persons entitled or interested, Acquisition of monuments or of powers of restraint, by agreement with persons interested.

1. A freehold or other estate in any monument of whatsoever kind and wheresoever situate or in its site; and

15 2. Such rights of way as may be necessary for the access of the public to any such monument; and

3. Powers of restraint in respect of any such monument;

Or any of such estates, rights, or powers:

And they may also accept a conveyance, appointment, settlement, or devise of any monument with its site, or of any right of way to or powers of restraint over any monument, or of moneys for the purchase of any monument, and such a conveyance, appointment, settlement, or devise shall not be deemed to be made to or for a charitable use within the meaning of the Acts relating to charitable uses.

Moreover this Act may be applied by the Commissioners to a monument of whatsoever kind and wheresoever situate, if the following persons give their consent to its application; viz.,

(a.) The occupier or occupiers of the site of the monument; and

30 (b.) Every person entitled to any beneficial interest in possession in the site of the monument, if of full age and otherwise competent to give consent, or if any such person is an infant or otherwise incompetent to give consent, the guardian, committee, or trustee of such person.]

35 For the purposes of this section the word "site" shall include any area surrounded by any parts of a monument, and any land adjoining the monument.

8. Where a monument or a power of restraint in respect of it is vested in the Commissioners, if any person (whether or not he Penalty on persons unlawfully



A.D. 1875. has any estate or interest in the site thereof) unlawfully and wilfully, without the consent of the Commissioners in writing, injures the monument or injures or removes any fence by which it is protected, or any notice lawfully affixed on or near the monument by or with the consent of the Commissioners, he shall be guilty of an offence 5 against this Act and shall, on conviction thereof, as well in Scotland as in other parts of the United Kingdom, be subject to the penalties and liabilities provided by the fifty-second section of the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-seven, with respect to malicious injuries: Provided that in Scotland any 10 such offence shall not be cognisable by one justice of the peace, but may be prosecuted before a sheriff, or two justices of the peace, sitting as judges in a justice of the peace court, under the provisions of the Summary Procedure Act, 1864.

Access of  
Commis-  
sioners to  
monuments.

9. When a power of restraint in respect of a monument is 15 vested in the Commissioners by agreement or purchase, or under any conveyance, appointment, settlement, or devise, they or any of them, or any person authorised in writing by any of them, may, at any time between sunrise and sunset, enter upon and inspect the monument and all parts thereof, and may, in case of necessity, 20 break open any doors or enclosure preventing their or his access thereto without being liable to any action or prosecution for trespass or otherwise.

Proceedings  
for ascer-  
taining and  
paying com-  
pensation.

10. For the purpose of ascertaining and paying compensation in respect of the acquisition by the Commissioners of a monument or 25 of powers of restraint over a monument the following provisions of the Defence Act, 1860, viz., sections seven to eighteen, twenty to twenty-nine, thirty-six to thirty-nine, forty-three, forty-four, and forty-seven (all inclusive) shall apply, mutatis mutandis, throughout the United Kingdom with the modifications herein-after in this 30 section mentioned.

The said parts of the said Act shall in their application for the purposes of this Act be construed with the following modifications; viz.,—

1. Expressions referring to a Secretary of State shall be construed 35 to refer to the Commissioners :
2. Expressions referring to restraints on rights of building or other rights of ownership shall be construed to refer to powers of restraint within the meaning of this Act :
3. For the declaration and map or plan to be made, deposited, or 40 affixed under the provisions of the said Act there shall be substituted a plan showing the bounds or limits of the site

of the monument and rights of way (if any) to which the A.D. 1875: proceedings relate, to be served with the notices on the respective owners, lessees, occupiers, or other persons:

- 5 4. In the said Act in its application to Scotland, "feoffee" shall mean a disponent infert; "tenant in tail" shall mean heir of entail in possession; "feme covert" shall mean a married woman; "committee" shall mean and include a tutor dative, a curator bonis, and a judicial factor; "mesne profits" shall mean interim profits; "misdemeanor" shall mean a crime and  
10 offence; "The Lands Clauses Consolidation Act, 1845," shall mean the Lands Clauses Consolidation (Scotland) Act, 1845; and words referring to any court and the officers thereof shall mean the Court of Session and the principal Clerks of Session.

Upon payment by the Commissioners of the purchase money or  
15 compensation payable in respect of any monument or part of a monument, or in respect of a power of restraint, such monument or part, or such power (as the case may be), shall vest in them absolutely as against all persons whatsoever, without any conveyance or deed.

- 20 11. The Commissioners may employ such persons and incur such expenses for the purposes of this Act as the Treasury may allow.

Treasury  
may autho-  
rise expenses.

12. *All expenses incurred by the Commissioners for the purposes and in pursuance of the provisions of this Act shall be paid by the Treasury out of moneys to be provided by Parliament for this*  
25 *purpose.*

Expenses of  
the Com-  
mission.

13. The Commissioners shall report annually to Parliament as to the condition of the monuments vested in them or in respect of which they have powers of restraint.

Reports on  
monuments.

14. Notices to be served by the Commissioners shall be served in  
30 the manner prescribed by the Defence Act, 1860, for the service of notices by a Secretary of State. Notices or requisitions to be served on the Commissioners shall be served by letter addressed to the Inclosure Commissioners in London, and registered according to the regulations for the time being in force for the registration of  
35 letters at post offices in the United Kingdom. Any justice of the peace having jurisdiction at a place where any part of a monument is situate, upon being satisfied that all reasonable endeavours have been made to serve any notice which is to be served under the provisions of this Act, and that the person on whom it is required  
40 to be served cannot be found, or is absent from the United Kingdom, or that for any other reason the notice cannot be served

Service of  
notices.

A.D. 1875. upon him, may, by order under his hand, direct the notice to be served on such person as the justice may direct; and any notice served in the manner directed by such justice shall be deemed to have been served on the person on whom it is required by this Act to be served.

Provision for defining the site of a monument.

15. The Commissioners may in the notice by which this Act is applied to a monument define the site thereof for the purposes of this Act, and the site as so defined shall be deemed to be the site of the monument; but it shall not be lawful for the Commissioners, by virtue of this section, to include in the site of a monument any land which is not within *fifty yards* of some part of the monument, except with the written consent of the person or persons whose consent is by the seventh section of this Act required to the application of the Act to a monument of whatsoever kind and where-soever situated.

Transfer of a monument to a local authority.

16. The Commissioners may from time to time if they think fit, and upon such terms as they think fit, transfer any monument which is vested in them, or any power of restraint which is vested in them, to any local authority of a borough, burgh, district, or place in or near which the monument is situate; and thereupon such local authority shall in respect of the monument or power transferred to them, and subject to any terms or conditions of the transfer, be substituted for and have all the powers and duties of the Commissioners under this Act; and the provisions of this Act with respect to offences against this Act shall have effect as if the local authority were mentioned in this Act instead of the Commissioners.

A transfer under the provisions of this section shall be made in such form as the Commissioners may from time to time determine, and it may provide for the re-vesting of the monument or power in the Commissioners upon the happening of any event or upon any default being made by the local authority.

For the purposes of this section "local authority" includes a town council, local board, trustees, commissioners, or other corporation or body of persons having powers under any general or special Act to levy any rate or assessment for improving, cleansing, or paving any borough, burgh, district, or place.

Provision as to public works.

17. When any corporation, commissioners, trustees, board, authority, or persons in the execution of any authority or power vested in or to be executed by them for the public benefit, whether by virtue of any general provisions of an Act of Parliament, or of a charter, or of prescription or otherwise, propose to injure a monument to which this Act has been applied or a power of restraint in



respect of which is vested in the Commissioners, they shall, *three months* at least before so doing, serve a notice in writing on the Commissioners specifying the nature of the proposed injury ; and it shall be lawful in the case of a monument situate in England or

A.D. 1875.

- 5 Scotland for one of Her Majesty's Principal Secretaries of State, and in Ireland for the Lord Lieutenant, upon application by the Commissioners, to inquire concerning the nature and necessity of the proposed injury, and at his discretion, by order in writing under his hand, to prohibit the injury, either altogether or as to any part of
- 10 the monument ; and if any person, in a case to which this section applies, injures or directs injury to be done to a monument without having given such notice, or in contravention of such prohibition, the injury shall, for the purposes of this Act as to penalties and as to repayment of expenses of repairing the monument, be deemed
- 15 to have been unlawfully done by such person.

18. No proceeding of the Commissioners shall be invalidated by any vacancy or vacancies in the Commission, or by any error, omission, or informality in their appointment, or in affixing their seal, or in the mode of holding a meeting, or transacting business
- 20 thereat, or by any misdescription or omission, in any notice, form, or document, or in the first schedule to this Act, of the county, parish, barony, or place in which a monument or any part thereof is situate, or in the name or description of any monument or by any error or informality which in the opinion of the court before whom the
- 25 proceeding is in question was not material for the matter in reference to which it is questioned.

Saving of informalities.

The Commissioners may at their discretion substitute for the form of requisition contained in the second schedule to this Act such other form as they may think fit.

- 30 19. The Commissioners shall not be liable to be rated or assessed to, or to pay any rate or assessment in respect of any monument or right vested in them.

Monuments not to be rated when vested in Commissioners:

20. This Act shall not be applied to any monument situate on land held in right of the Duchy of Cornwall, without the consent of
- 35 the Duke of Cornwall for the time being.

Saving of Duchy of Cornwall.

21. This Act may be cited for all purposes as the "National Monuments Preservation Act, 1875."

Short title.

A.D. 1875.

## SCHEDULES.

## SCHEDULE I.

## ENGLAND AND WALES.

	County.	Parish.	
<i>The tumulus and dolmen, Plas Newydd, Anglesea.</i>	Anglesea - -	Llandedwen.	5
<i>The tumulus known as Wayland Smith's Forge.</i>	Berkshire - -	Ashbury.	
<i>Uffington Castle</i>	" - -	Uffington.	
<i>The stone circle known as Long Meg and her Daughters, near Penrith.</i>	Cumberland "	Addingham.	10
<i>The stone circle on Castle Rigg, near Keswick.</i>	" - -	Crosthwaite.	
<i>The stone circles on Burn Moor</i>	" - -	St. Bees.	
<i>The stone circle known as The Nine Ladies, Stanton Moor.</i>	Derbyshire - -	Bakewell.	15
<i>The tumulus known as Arborlow</i>	" - -	"	
<i>Hob Hurst's House and Hut, Bastow Moor.</i>	" - -	"	
<i>Minning Low.</i>	" - -	Brassington.	20
<i>Arthur's Quoit, Gower</i>	Glamorganshire -	Llanridian.	
<i>The tumulus at Uley</i>	Gloucestershire -	Uley.	
<i>Kits Coty House</i>	Kent - -	Aylesford.	
<i>Danes Camp</i>	Northamptonshire	Hardingstone.	
<i>Castle Dykes</i>	" - -	Farthingston.	25
<i>The Rollrich Stones</i>	Oxfordshire - -	Little Rollright.	
<i>The ancient stones at Stanton Drew</i>	Somersetshire -	Stanton Drew.	
<i>The chambered tumulus at Stoney Littleton, Wellow.</i>	" - -	Wellow.	
<i>Cadbury Castle</i>	" - -	South Cadbury.	30
<i>Cæsar's Camp</i>	Surrey - -	Wimbledon.	
<i>Mayborough, near Penrith</i>	Westmoreland -	Barton.	
<i>Arthur's Round Table, Penrith</i>	" - -	"	
<i>Stones at Shap</i>	" - -	Shap.	
<i>The group of stones known as Stonehenge</i>	Wiltshire - -	Amesbury.	35
<i>The vallum at Abury, the Sarcen stones within the same, and those along the Kennet Road, and the group between Abury and Beckhampton.</i>	" - -	Abury.	
<i>The long barrow at West Kennet, near Marlborough.</i>	" - -	West Kennet.	40
<i>Silbury Hill</i>	" - -	Abury.	
<i>The dolmen (Devil's Den), near Marlborough.</i>	" - -	Fyfield.	
<i>Barbury Castle</i>	" - -	Ogbourne, St. Andrews, and Swindon.	45

## SCOTLAND.

		County.	Parish.
	<i>The Bass of Inverury - - -</i>	<i>Aberdeenshire -</i>	<i>Inverurie.</i>
	<i>The vitrified fort on the Hill of Noath</i>	<i>„ -</i>	<i>Rhynie.</i>
5	<i>The pillar and stone at Newton-in-the-Garioch.</i>	<i>„ -</i>	<i>Culsalmond.</i>
	<i>The circular walled structures called “Edin’s Hall,” on Cockburn Law.</i>	<i>Berwickshire -</i>	<i>Dunse.</i>
10	<i>The British walled settlement enclosing huts at Harefaulds in Lauderdale.</i>	<i>„ -</i>	<i>Lauder.</i>
	<i>The Dun of Dornadilla - - -</i>	<i>Sutherlandshire -</i>	<i>Durness.</i>
	<i>The sculptured stone called Suenos Stone, near Forres.</i>	<i>Elgin -</i>	<i>Rafford.</i>
15	<i>The cross slab, with inscription, in the churchyard of St. Vigean.</i>	<i>Forfarshire -</i>	<i>St. Vigean.</i>
	<i>The British forts, on the hills, called “The Black and White Catherthuns.”</i>	<i>„ -</i>	<i>Menmuir.</i>
20	<i>A group of remains and pillars, on a haugh at Clava on the banks of the Nairn.</i>	<i>Inverness -</i>	<i>Croy and Dalcross.</i>
	<i>The Pictish Towers at Glenelg - -</i>	<i>„ -</i>	<i>Glenelg.</i>
	<i>The Cairns, with chambers and galleries partially dilapidated.</i>	<i>Kirkcudbrightshire</i>	<i>Minnigaff.</i>
25	<i>The Catstane, an inscribed pillar -</i>	<i>Linlithgow -</i>	<i>Kirkkliston.</i>
	<i>The Ring of Brogar and other stone pillars at Stennis in Orkney, and the neighbouring pillars.</i>	<i>Orkney -</i>	<i>Firth and Stennis.</i>
	<i>The Chambered mound of Maeshowe -</i>	<i>„ -</i>	<i>„</i>
	<i>The stones of Callernish - - -</i>	<i>Ross -</i>	<i>Uig.</i>
30	<i>The Burgh of Clickanim - - -</i>	<i>Shetland -</i>	<i>Sound.</i>
	<i>The Pictish tower at Mousa in Shetland</i>	<i>„ -</i>	<i>Dunrossness.</i>
	<i>The inscribed slab standing on the road-side leading from Wigton to Whithorn and about a mile from Whithorn.</i>	<i>Wigtonshire</i>	<i>Whithorn.</i>
35	<i>Two stones, with incised crosses, on a mound in a field at Laggangairn.</i>	<i>„ -</i>	<i>New Luce.</i>
	<i>The pillars at Kirkmadrine - - -</i>	<i>„ -</i>	<i>Stoneykirk.</i>



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## IRELAND.

	County.	Parish.	Barony.	
<i>The remains of Rathmore of Moylinny.</i>	Antrim	Donegore	Upper Antrim.	
<i>The earthen enclosure and mounds called the Navan Fort, Creveroe, and The King's Stables.</i>	Armagh	Eglish	Armagh.	5
<i>Stone monuments and groups of sepulchral cists in Glen Maulin.</i>	Donegal	Glencolumbkille	Banagh.	
<i>The earthen inclosure and Cromlech called the Giant's Ring near Ballylessan.</i>	Down	Drumbo	Upper Castle-reagh.	10
<i>The earthen fort at Downpatrick (Dunkeltair).</i>	"	Downpatrick	Lecale.	
<i>The earthen fort near Moira.</i>	"	Moira	Lower Iveagh.	15
<i>Stone structures called Dun Augus, Dun Onaght, Dun Eochail, Dubh Cahir, and other similar remains.</i>	Galway	Inismore	Aran.	
<i>Stone structure called Dunt Conor</i>	"	Inismaan	"	
<i>Stone structure called Staigue Fort</i>	Kerry	Kilcrogham	Dunkerron.	20
<i>The earthen mound at Castletown (Dun Dealga).</i>	Louth	Castletown	Upper Dundalk.	
<i>The earthen mound at Greenmount</i>	"	Kilsaran	Ardee.	
<i>The stone monument at Ballyna</i>	Mayo	Kilmoremoy	Tyrawly.	
<i>Cairns and stone circles at Moytura</i>	"	Cong	Kilmaine.	25
<i>The tumuli, New Grange, Knowth and Dowth.</i>	Meath	Monknewton and Dowth.	Upper Slane.	
<i>The earthworks on the Hill of Tara</i>	"	Tara	Skreen.	
<i>The earthworks at Teltown (Taltin)</i>	"	Teltown	Upper Kells.	
<i>The earthworks at Wardstown (Tlaghta).</i>	"	Athboy	Lune.	30
<i>The tumuli on the hills called Slieve Na Calliagh.</i>	Meath	Loughcrew	Fore.	
<i>The Cairn at Heapstown</i>	Sligo	Kilmacallan	Tirerrill.	
<i>Sepulchral remains at Carrowmore.</i>	"	Kilmacowen	Curbury.	35
<i>The cairn called Miscaun Mave or Knocknarea.</i>				
<i>The cave containing Ogham inscribed stones at Drumloghan.</i>	Waterford	Stradbally	Decies without Drum.	
<i>The stone monument called the Catstone and cemetery on the hill of Usnagh.</i>	Westmeath	Killare	Rathconrath.	40

## SCHEDULE II.

A.D. 1875.

*Form of Notice of Application of the Act to a monument.*

To A.B. of

in pursuance of the National Monuments Preservation Act, 1874, we, the  
 5 Commissioners under the said Act, hereby give notice that the said Act is  
 applied to the Monument commonly known as the ; and that  
 any person who destroys, removes, defaces, alters, covers up, builds on, under-  
 mines, or in any manner permanently or temporarily damages or endangers the  
 safety or stability of the said monument or any part thereof, or any marks  
 10 thereon, without our previous consent in writing, will be liable to the penalties  
 of the said Act.

Application for our consent for any of the above purposes must be made to  
 us by registered letter, addressed to the Inclosure Commissioners, London, and  
 must be in the form of the annexed requisition.

15 The following is the description of the said monument and of its site. [*Here  
 insert the description.*]



(Seal of the Commission.)

Dated the            day of

*Form of Requisition.*

20 To the Inclosure Commissioners, London.

Requisition under the provisions of the "National Monuments Preservation  
 Act, 1874."

1. Name and situation of monument [*here state the same, and whether the  
 requisition relates to the whole or part of the monument*].

25 2. Name and address of the person making the requisition [*here state the  
 same*].

3. By what right the person making the requisition claims to be entitled to  
 deal with or injure the monument [*here state the nature of the right claimed, e.g.  
 as occupier under a lease from A.B. dated ; or as owner, &c.*]

30 4. Nature of the proposed injury, or proposed manner of dealing with the  
 monument [*here state particulars of what is proposed to be done*].

5. I hereby require the National Monuments Commissioners to consent to  
 my dealing with the monument above described, in the manner above described,  
 or else to purchase a power of restraint in respect of the monument [*or, as the  
 case may be, to purchase the monument*].

35 Signed C.D.,

The            day of

# Ancient Monuments.

A

## B I L L

For the Preservation of Ancient  
Monuments.

(Prepared and brought in by  
Sir John Lubbock, Mr. Russell Gurney,  
Mr. Beresford Hope, and Mr. Osborne Morgan.)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 9.]

*Under 2 oz.*



# Artizans Dwellings Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

Clauses.

1. Short title of Act.
- 

## PART I.

### UNHEALTHY AREAS.

#### *1. Scheme by Local Authority.*

2. Application of Act to certain districts and description of local authority.
3. Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.
4. Official representation by whom to be made.
5. Requisites of improvement scheme of local authority.

#### *2. Confirmation of Scheme.*

6. Improvement scheme by provisional order to be confirmed by Parliament. Publication of notices. Service of notices. Petition to Secretary of State or Local Government Board.

#### *3. Execution of Scheme by Local Authority.*

7. Duty of local authority to carry scheme when confirmed into execution.
  8. Notice to occupiers by placards.
- 

## PART II.

### PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

#### *As to Local Authority.*

##### *1. Medical Officer.*

9. Medical officer of health in Metropolis.  
[Bill 1.]

## Clauses.

2. *Local Inquiry.*

10. Proceedings on local inquiry.
11. Notice of inquiry to be publicly given.
12. Power to administer oath.

3. *Acquisition of Land.*

13. Acquisition of land.
14. Extinction of rights of way and other easements.

4. *Expenses.*

15. Formation of improvement fund for purposes of this Act.
16. Power of borrowing money for the purposes of the Act.
17. Audit of accounts.

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PART III.

## GENERAL PROVISIONS.

*Notices.*

18. Service of notice on the local authority.
19. Authentication of notices served by the local authority.

*Penalties.*

20. Penalty for obstructing officers in execution of Act.

*Saving Clauses.*

21. Relation of local Acts to general Acts.

*Definitions.*

22. Construction of terms of Act.

SCHEDULE.

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A

## B I L L

FOR

Facilitating the Improvement of the Dwellings of the Working  
Classes in Large Towns. A.D. 1875.

WHEREAS various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants :

5 And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of  
10 health, not only in the courts and alleys but also in other parts of such cities and boroughs :

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner  
15 to make such alterations as are necessary for the public health :

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be reconstructed :

And whereas in connexion with the reconstruction of those  
20 portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
25 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. This Act may be cited for all purposes as "The Artizans Dwellings Improvement Act, 1875." Short title  
of Act.

[Bill 1.]

A



A.D. 1875.

## PART I.

## UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Application  
of Act to  
certain dis-  
tricts and  
description  
of local  
authority.

2. This Act shall apply only to

- (1.) The City of London; and
- (2.) The Metropolis, exclusive of the City of London; and
- (3.) Urban sanitary districts in England containing, according to the last published census for the time being a population of 25,000 and upwards;

5

and the local authority shall be as follows; that is to say,— 10

- (1.) As respects the City of London, the Commissioners of Sewers :  
and
- (2.) As respects the Metropolis, the Metropolitan Board of Works :  
and
- (3.) As respects each urban sanitary district, the urban sanitary 15  
authority of that district.

Local autho-  
rity on being  
satisfied by  
official re-  
presentation  
of the un-  
healthiness  
of district  
to make  
scheme for  
its improve-  
ment.

3. Where an official representation as herein-after mentioned is made to the local authority that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of 20 the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement of the streets and houses within such area, or to one or more of such causes, and that the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for 25 the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the practicability of applying a remedy, and of the sufficiency of their resources, 30 and of the advantage to be derived by the district within their jurisdiction from the application of such remedy, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall proceed to make a scheme 35 for the improvement of such area.

Official  
representa-  
tion by  
whom to  
be made.

4. An official representation shall mean, in the Metropolis, a representation made by the medical officer of health of any district board, or vestry, to such board or vestry, who shall forthwith forward the same to the local authority, and elsewhere shall mean a 40 representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of

A.D. 1875.

this Act shall make such representation whenever he sees cause to make the same; and if twenty or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable and resident within the jurisdiction for which he is medical officer, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it shall distinguish the lands proposed to be taken compulsorily, and shall provide, for the accommodation of as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, suitable dwellings within the limits of the same area, or in the vicinity thereof, and also provide for proper sanitary arrangements in the area.

Requisites of improvement scheme of local authority.

## 2. *Confirmation of Scheme.*

6. Upon the completion of an improvement scheme the local authority shall—

Improvement scheme by provisional order to be confirmed by Parliament. Publication of notices.

Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the local authority an advertisement describing shortly the nature of the scheme, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and,

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

Service of notices.

(a.) By delivery of the same personally to the person required to be served, or if such person is absent abroad, to his agent; or,

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,

(c.) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

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Petition to  
Secretary of  
State or  
Local  
Government  
Board.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices the local authority shall present a petition under their seal, if such authority be the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and if such authority be an urban sanitary authority to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners, or reputed owners, lessees or reputed lessees, and occupiers who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board as the case may require (in this Act referred to as the confirming authority), may from time to time require :

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the area to which the scheme relates to be an unhealthy area, and authorising such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament, and is in this Act referred to as the confirming Act.



A.D. 1875.

The confirming authority, may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the costs, charges, and expenses properly incurred by him in opposing such  
5 scheme.

- All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such  
10 amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments  
15 as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.
- 20 Any order made by the confirming authority in pursuance of this section may be made a rule of one of Her Majesty's superior courts, and be enforced accordingly.

### 3. *Execution of Scheme by Local Authority.*

7. When the confirming Act authorising any improvement  
25 scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such  
30 scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to  
35 build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon,  
40 on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of

Duty of local authority to carry scheme when confirmed into execution.

A.D. 1875. such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of the whole or any part of the scheme.

Provided that care shall be taken in carrying the scheme into effect to make due provision for the continued appropriation of such number of dwellings for the use of the working class as are required to be provided for in the scheme and for the maintenance of proper sanitary arrangements.

Notice to  
occupiers by  
placards.

8. The local authority shall, not less than eight weeks before taking any fifteen houses or more occupied wholly or partially by persons belonging to the working class as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

## PART II.

### PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

#### *As to Local Authority.*

##### 1. *Medical Officer.*

Medical  
officer of  
health in  
Metropolis.

9. The Metropolitan Board of Works may, with the assent of a Secretary of State, at any time when they are desirous of making a special inquiry into the sanitary condition of any part of the metropolis, appoint one or more qualified officer or officers to make such inquiry, and the Board may pay to any officer so appointed such remuneration as they think fit. Any officer so appointed by the Metropolitan Board of Works may after making such inquiry as aforesaid, make an official representation to the said Board in the same manner and with the same incidents as if he were the medical officer of health of a local authority within the meaning of this Act.

##### 2. *Local Inquiry.*

Proceedings  
on local  
inquiry.

10. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the

official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme. A.D. 1875.

- 5 11. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be  
10 prepared to hear all persons desirous of being heard before him upon the subject of the inquiry. Notice of inquiry to be publicly given.

12. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such  
15 manner as they think expedient. Power to administer oath.

### 3. *Acquisition of Land.*

13. The clauses of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule  
20 hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall  
25 be deemed to form part of this Act in the same manner as if they were enacted in the body thereof. Acquisition of land.

- (1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the  
30 exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily :

- (2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken  
35 compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands,  
40 without any additional allowance in respect of the compulsory purchase of the same.



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(3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said Schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act. 5.

Extinction of  
rights of way  
and other  
easements.

14. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit. 10 15 20

#### 4. *Expenses.*

Formation of  
improvement  
fund for  
purposes of  
this Act.

15. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund. 25

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act. 30

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable. 35

The local rates shall, in the case of the Commissioners of Sewers, mean the sewer rate and the consolidated rate leviable by such Commissioners, or either of such rates. 40

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The Metropolitan Board of Works shall levy as part of the metropolitan consolidated rate within the area of the metropolis, without making any demand on the city of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, be referred to and included under the expression "local rates."

The "local rates" shall in the case of an urban sanitary authority mean all or any rates or rate levied throughout the district of such authority, and out of which the local authority is authorised to pay any expenses incurred under the Sanitary Acts, as defined by the Public Health Act, 1872.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

16. Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Power of borrowing money for the purposes of the Act.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An urban sanitary authority shall have the same power of borrowing on the credit of the local rates such sums of money as they may require for the purposes of this Act, as they have under section forty of the Public Health Act, 1872, for sanitary purposes.

The Commissioners of Sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers the clauses

A.D. 1875. of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver. 5 10

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the consolidated rate out of the local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act. 15

The Public Works Loan Commissioners may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this Act, on the security, in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works Loan Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period not exceeding *fifty years*, as may be recommended by the confirming authority, and shall bear interest at the rate of *three and a half* per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer. 20 25

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act. 30

Audit of  
accounts.

17. The accounts of the Commissioners of Sewers and the accounts of Metropolitan Board of Works under this Act shall respectively be audited in the same manner and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and Metropolitan Board of Works, are for the time being required to be audited by law. 35

The accounts of an urban sanitary authority under this Act shall be audited in the same manner and with the same power in the officers auditing the same in which the accounts of that authority in its character of sanitary authority are for the time being required to be audited by law. 40



## PART III.

A.D. 1875.

## GENERAL PROVISIONS.

*Notices.*

18. Any notice required to be served upon the local authority, Service of  
5 may be lawfully served by delivering the same to the clerk of the notice on the  
local authority, or leaving the same at his office with some person local  
employed there by him. authority.

19. Any notice served by the local authority for the purposes of Authentication  
this Act may be signed by the clerk of the local authority. of  
notices  
served by  
the local  
authority.

10

*Penalties.*

20. Where any person obstructs the officer of health or any Penalty for  
officer of the local or confirming authority acting in the performance obstructing  
of anything which the local or confirming authority are by this Act officers  
required or authorised to do, every person so offending shall, on in execution  
15 summary conviction, for every such offence forfeit a sum not of Act.  
exceeding twenty pounds.

*Saving Clauses.*

21. Where in any place to which this Act applies, any local Relation of  
Act is in force providing for objects the same as or similar to the local Acts to  
20 objects of this Act, the enactments of such local Act may be en- general Acts.  
forced at the discretion of the local authority either instead of or in  
concurrence with this Act; provided that the local authority of  
any place to which this Act applies shall not, by reason of any  
local Act within its jurisdiction, be exempted from the performance  
25 of any duty or obligation to which such authority are subject under  
this Act.

*Definitions.*

22. The expressions herein-after mentioned shall respectively Construction  
have the meanings hereby assigned to them, unless there is some- of terms of  
30 thing in the context inconsistent with such meanings; that is to Act.  
say,

“ Secretary of State ” means one of Her Majesty’s principal “ Secretary  
Secretaries of State. of State.”

[1.]

B 2

A.D. 1875.	" Person " shall include a body of persons, corporate or unincorporate :	
" Person ."		
" Lands."	" Lands " shall include messuages, lands, tenements, and hereditaments of any tenure :	
" City of London."	" The city of London " shall include the liberties thereof :	5
" The metropolis :"	" The metropolis " shall not include the city of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works :	
" A district board or vestry."	" A district board or vestry " within the Metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855 :	10
" Treasury."	" The Treasury " shall mean the Lords Commissioners of the Treasury, or any two of them :	
" This Act."	" This Act " includes any confirming Act as herein-before defined.	

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## SCHEDULE.

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PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF  
LANDS OTHERWISE THAN BY AGREEMENT, AND OTHERWISE  
AMENDING THE LANDS CLAUSES ACT, 1845.

5                    *Deposit of Maps and Plans.*

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken  
10 compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers, accompanied with an estimate of the annual value and  
15 the saleable value of such lands.

(2.) The scheduled lands for the purposes of such estimates shall be valued in separate holdings as they appear to be held by the valuation list for the time being in force in the place in which such lands are situate, or where there is no valuation list then in  
20 the last poor rate, and the annual value shall be the gross value or gross estimated rental as stated in such list or rate.

(3.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

25 (4.) The local authority shall deposit such maps, schedules, and estimates at the office of the confirming authority, and shall deposit and keep copies of such maps, schedules, and estimates at the office of the local authority.

*Appointment of Arbitrator.*

30 (5.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands.

[1.]

B 3



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*Proceedings on Arbitration.*

(6.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

‘ I *A.B.* do solemnly and sincerely declare, that I will faithfully  
‘ and honestly, and to the best of my skill and ability, hear and  
‘ determine the matters referred to me under the provisions of the  
‘ Artizans Dwellings Improvement Act, 1875. *A.B.*

‘ Made and subscribed in the presence of  
And such declaration shall be annexed to the award when made; 10  
and if any arbitrator, having made such declaration, wilfully act  
contrary thereto, he shall be guilty of a misdemeanor.

(7.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps, schedules, and estimates deposited at their office, and the local authority shall 15  
publish once in each of three successive weeks the following particulars :—

(a.) The appointment of the arbitrator :

(b.) The deposit at the office of the local authority of the copies of such maps, schedules, and estimates as aforesaid, with 20  
a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same :

(c.) A requisition directing the owners of or parties by this Act enabled to sell and convey or release any of the said 25  
scheduled lands, or any lands injuriously affected by the execution of the scheme of the local authority or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition, (and being a day not earlier than twenty-one 30  
days from the date of the insertion of the last of such notices,) a short statement in writing of the nature of their respective claims.

(8.) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as 35  
aforesaid, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the persons entitled to such lands and interests, and the compensation to be made for injury to any lands injuriously affected 40  
by the execution of the scheme of the local authority.

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(9.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to  
5 any lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such injury.

(10.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

10 (11.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have been heard before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award  
15 has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier  
20 than twenty-one days after the last day of publication of the said notice).

(12.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by  
25 any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional  
30 award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(13.) When the arbitrator has heard and determined all such  
35 objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final and be binding and conclusive (subject to the pro-  
40 visions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

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(14.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority.

*Payment of Purchase Money.*

15

(15.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate under the seal of the local authority, stating the amount of the compensation to which he is entitled under the said award.

(16.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(17.) The local authority shall, on demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(18.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in any of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred, for the amount of the sums specified in such certificate, in the same



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manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(19.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(20.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate, as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the local authority.

(21.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation Act, 1845," "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(22.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local

A.D. 1875. authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered 5 refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-men- 10 tioned clauses of "The Lands Clauses Consolidation Act, 1845," as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(23.) Nothing herein contained shall prevent the local authority 15 from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(24.) If from any reason whatever the local authority does not 20 deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by 25 application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such 30 application as aforesaid.

*Entry on Lands on making Deposit.*

(25.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before con- 35 tained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local 40 authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement

A.D. 1875.

scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect  
5 of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the  
10 arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made;  
15 provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money  
20 and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said Bank, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to  
25 be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(26.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be  
30 directed by any regulation or Act for the time being in force in relation to moneys deposited in the Bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the Bank by way  
35 of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank  
40 Annuities or Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like



A.D. 1875. application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such, 5 manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

### *Appeal.*

(27.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensa- 10 tion ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or 15 compensation in respect of which such moneys are paid into court; also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in 20 respect of any estate or interest in lands, and such amount exceed the sum of five hundred pounds;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal 25 within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid at the date of the issue of the certificate:
- (2.) Where moneys have been paid into court at the date of the 30 payment into court:
- (3.) Where the local authority appeals at the date of the making of the final award.

(28.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land 35 a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except section forty-seven: 40 Provided also, that in the construction of the said sections,—

(1.) Where the local authority appeals, that authority shall be deemed to be the plaintiff, and the party entitled to compensation to be the defendant; and

5 (2.) If either party to the appeal does not appear at the time appointed for the inquiry, such inquiry shall not be further proceeded with, and the same proceedings shall be had as if no such appeal had been made; and

10 (3.) The amount of compensation awarded in any case by the arbitrator shall, for the purposes of costs, be deemed to be the sum previously offered by the promoters of the undertaking:

Provided that where the local authority is the appellant,—

15 (1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and,

20 (2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues joined in the Court of Queen's Bench  
25 or any court to which the jurisdiction of the Court of Queen's Bench may be transferred.

#### *Costs of Arbitration.*

(29.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which  
30 may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reason-  
35 ableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the  
40 amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly. Further, any such certificate may be made a rule of one of the superior courts

A.D. 1875. of law on the application of any party named therein, and may be enforced accordingly.

(30.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly; but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the commencement of the arbitration. 10

*Miscellaneous.*

15

(31.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose. 20

(32.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette. 30

(33.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority. 35





# Artizans Dwellings.

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A

## B I L L

For facilitating the Improvement of the  
Dwellings of the Working Classes in  
Large Towns.

(Prepared and brought in by  
Mr. Secretary Cross, Mr. Seclater-Booth, and  
Sir Henry Selwyn-Ibbetson.)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 1.]

*Under 402.*

## Artizans Dwellings Bill.

[AS AMENDED IN COMMITTEE.]

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### ARRANGEMENT OF CLAUSES.

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#### *Preliminary.*

Clauses.

1. Short title of Act.
- 

### PART I.

#### UNHEALTHY AREAS.

##### *1. Scheme by Local Authority.*

2. Application of Act to certain districts and description of local authority.
3. Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.
4. Official representation by whom to be made.
5. Requisites of improvement scheme of local authority.

##### *2. Confirmation of Scheme.*

6. Improvement scheme by provisional order to be confirmed by Parliament. Publication of notices. Service of notices. Petition to Secretary of State or Local Government Board.
7. Inquiry on refusal of local authority to make an improvement scheme.

##### *3. Execution of Scheme by Local Authority.*

8. Duty of local authority to carry scheme when confirmed into execution.
  9. Completion of scheme on failure by local authority.
  10. Notice to occupiers by placards.
  11. Power of confirming authority to modify authorised scheme.
-



## PART II.

## PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

*As to Local Authority.*1. *Medical Officer.*

Clauses.

12. Medical officer of health in Metropolis.
13. Provision in case of absence of medical officer of health.
14. Inquiry on default of medical officer in certain cases.

2. *Local Inquiry.*

15. Proceedings on local inquiry.
16. Notice of inquiry to be publicly given.
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3. *Acquisition of Land.*

18. Acquisition of land.
19. Extinction of rights of way and other easements.

4. *Expenses.*

20. Formation of improvement fund for purposes of this Act.
21. Power of borrowing money for the purposes of the Act.
22. Audit of accounts.

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PART III.

## GENERAL PROVISIONS.

23. Provision where local authority has no seal.

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24. Service of notice on the local authority.
25. Power of confirming authority as to advertisements and notices.
26. Power of confirming authority to dispense with notices in certain cases.
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Clauses.

*Penalties.*

28. Penalty for obstructing officers in execution of Act.

*Saving Clauses.*

29. Relation of local Acts to general Acts.

*Definitions.*

30. Construction of terms of Act.

SCHEDULE.





A

# B I L L

[AS AMENDED IN COMMITTEE]

FOR

Facilitating the Improvement of the Dwellings of the Working Classes in Large Towns. A.D. 1875.

**W**HEREAS various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants :

5 And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of  
10 health, not only in the courts and alleys but also in other parts of such cities and boroughs :

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner  
15 to make such alterations as are necessary for the public health :

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be reconstructed :

And whereas in connexion with the reconstruction of those  
20 portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
25 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## *Preliminary.*

1. This Act may be cited for all purposes as "The Artizans and Labourers Dwellings Improvement Act, 1875."

Short title  
of Act.

[Bill 126.]

A

A.D. 1875.

## PART I.

## UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Application  
of Act to  
certain dis-  
tricts and  
description  
of local  
authority.

2. This Act shall apply only to

(1.) The City of London; and

(2.) The Metropolis, exclusive of the City of London; and

(3.) Urban sanitary districts in England containing, according to the last published census, for the time being a population of twenty-five thousand and upwards;

(4.) Urban sanitary districts in Ireland containing, according to the last published census, a population of twenty-five thousand and upwards;

and the local authority shall be as follows; that is to say,—

(1.) As respects the City of London, the Commissioners of Sewers:  
and

(2.) As respects the Metropolis, the Metropolitan Board of Works:  
and

(3.) As respects each urban sanitary district, the urban sanitary authority of that district.

Local author-  
ity on being  
satisfied by  
official re-  
presentation  
of the un-  
healthiness  
of district  
to make  
scheme for  
its improve-  
ment.

3. Where an official representation as herein-after mentioned is made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they

shall forthwith proceed to make a scheme for the improvement of such area. A.D. 1875.

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested.

Provided always, that any number of such areas may be included in one improvement scheme.

4. An official representation shall mean, in the Metropolis, a representation made by the medical officer of health of any district board, or vestry, or by such medical officer as is hereafter in this Act mentioned, to the local authority, and elsewhere shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this Act shall make such representation whenever he sees cause to make the same; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

Official  
representa-  
tion by  
whom to  
be made.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, within the limits of the same area, or in the vicinity thereof, and also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the owner or with the concurrence of the owner of

Requisites  
of improve-  
ment scheme  
of local  
authority.



A.D. 1875. any property subject to the same, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such owner.

## 2. *Confirmation of Scheme.*

5

Improve-  
ment scheme  
by provi-  
sional order  
to be con-  
firmed by  
Parliament.  
Publication  
of notices.

6. Upon the completion of an improvement scheme the local authority shall—

Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the local authority an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and,

Service of  
notices.

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

- (a.) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,
- (b.) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,
- (c.) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to  
Secretary of  
State or  
Local  
Government  
Board.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices the local authority shall present a petition if such authority be the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and if such authority be an urban sanitary authority to the Local Government Board, praying that an order may be made confirming such scheme. The petition

shall be accompanied by a copy of the scheme, and shall state the names of the owners, or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local  
5 Government Board as the case may require (in this Act referred to as the confirming authority), may from time to time require :

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case,  
10 they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

15 After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the area to which the scheme relates to be an unhealthy area, and authorising such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications  
20 of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of  
25 lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of  
30 Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament, and  
35 is in this Act referred to as the confirming Act.

The confirming authority, may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing  
40 such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority think proper to

A.D. 1875. direct, and all costs, charges, and expenses of the local authorities or of any person to such amount as may be allowed to them or him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming 5 authority and to such local authorities or such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the 10 confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of Her Majesty's superior courts, 15 and be enforced accordingly.

Inquiry on refusal of local authority to make an improvement scheme.

7. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not 20 proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to 25 the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

### 3. *Execution of Scheme by Local Authority.*

Duty of local authority to carry scheme when confirmed into execution.

8. When the confirming Act authorising any improvement 30 scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such 35 scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to 40 build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings,



A.D. 1875.

and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease. The local  
 5 authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake  
 10 the rebuilding of the houses or the execution of any part of the scheme, except that they may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other  
 15 streets in the district.

Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of  
 20 the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall  
 25 sell and dispose of all such dwellings within ten years from the time of the completion thereof.

The local authority may, where they think it expedient so to do, without themselves acquiring the land, contract with the owner of any land comprised in an improvement scheme for the carrying out  
 30 of the scheme in respect of such land by such owner.

9. If within five years after the removal of any buildings on the land set aside by any Provisional Order as sites for working men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make  
 35 arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction, or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special  
 40 condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reser-

Completion  
 of scheme  
 on failure  
 by local  
 authority.

A.D. 1875. vations and regulations as the confirming authority may deem necessary.

Notice to  
occupiers by  
placards.

10. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed 5 in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take 10 such houses.

Power of  
confirming  
authority to  
modify  
authorised  
scheme.

11. The confirming authority, on its being proved to their satisfaction that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which any improve- 15 ment scheme relates, either in manner provided by the scheme or in some other manner, may permit the local authority to modify any part of an improvement scheme authorised by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act. 20

## PART II.

### PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

#### *As to Local Authority.*

##### 1. *Medical Officer.*

Medical  
officer of  
health in  
Metropolis.

12. The Metropolitan Board of Works may, with the assent of a 52 Secretary of State, at any time appoint one or more legally qualified medical practitioner or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the Metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local 30 authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to.

Provision in  
case of  
absence of  
medical  
officer of  
health.

13. In case of the illness or unavoidable absence of the medical officer of health, the district board, vestry, or local authority, as the 35 case may be, may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner who shall

for the period of six calendar months or any less period to be named in the appointment, have and perform all the powers and duties of a medical officer of health under this Act. A.D. 1875.

14. Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.
15. The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

Inquiry on default of medical officer in certain cases.

## 2. *Local Inquiry.*

15. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.
16. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Proceedings on local inquiry.

Notice of inquiry to be publicly given.



A.D. 1875.  
 Power to  
 administer  
 oath.

17. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

### 3. *Acquisition of Land.*

5

Acquisition  
 of land.

18. The clauses of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said Lands Clauses Consolidation Act, 1845, and 10 the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall be deemed to form part of this Act in the same manner as if they were enacted in the body thereof. "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation 15 Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and The Railways Traverse Act, shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of 20 this Act, in the same manner as if they were enacted in the body hereof, subject to the provisions following: that is to say.

- (1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any con- 25 firming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:
- (2.) Whenever the compensation payable in respect of any lands 30 or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of 35 such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all other circumstances affecting such value, without 40 any additional allowance in respect of the compulsory purchase of the same.

(3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said Schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act. A.D. 1875.

19. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit. Extinction of rights of way and other easements.

#### 4. *Expenses.*

20. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund. Formation of improvement fund for purposes of this Act.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable.

40 The local rates shall, in the case of the Commissioners of Sewers, mean the sewer rate and the consolidated rate leviable by such Commissioners, or either of such rates.

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The Metropolitan Board of Works shall levy as part of the metropolitan consolidated rate within the area of the metropolis, without making any demand on the city of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, 5 be referred to and included under the expression "local rates."

The "local rates" shall in the case of an urban sanitary authority mean all or any rates or rate levied throughout the district of such authority, and out of which the local authority is authorised to pay any expenses incurred under the Sanitary Acts, as defined by the 10 Public Health Act, 1872, and by the Public Health (Ireland) Act, 1874.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to 15 purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

Power of  
borrowing  
money for  
the purposes  
of the Act.

**21.** Any local authority under this Act may for the purposes of 20 this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be 25 responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the 30 security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An urban sanitary authority shall have the same power of borrowing on the credit of the local rates such sums of money as 35 they may require for the purposes of this Act, as they have under section forty of the Public Health Act, 1872, or under the Public Health (Ireland) Act, 1874, for sanitary purposes.

The Commissioners of Sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as 40 they may require for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom



such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the consolidated rate out of the local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act.

The Public Works Loan Commissioners, or, in the case of Ireland, the Commissioners of Public Works, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this Act, on the security, in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works Loan Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

22. The accounts of the Commissioners of Sewers and the accounts of Metropolitan Board of Works under this Act shall respectively be audited in the same manner and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and

Audit of  
accounts.

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Metropolitan Board of Works, are for the time being required to be audited by law.

The accounts of an urban sanitary authority under this Act shall be audited in the same manner and with the same power in the officers auditing the same in which the accounts of that authority 5 in its character of sanitary authority are for the time being required to be audited by law.

### PART III.

#### GENERAL PROVISIONS.

Provision  
where local  
authority  
has no seal.

**23.** Any petition or document proceeding from a local authority 10 may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require.

#### *Notices.*

15

Service of  
notice on the  
local  
authority.

**24.** Any notice required to be served upon the local authority, may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

Power of  
confirming  
authority as  
to adver-  
tisements  
and notices.

**25.** The confirming authority may from time to time by order 20 prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act.

Power of  
confirming  
authority to  
dispense  
with notices  
in certain  
cases.

**26.** The confirming authority may, on the consideration of any 25 petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dis- 30 pensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements, and the service of other notices or otherwise as the confirming authority may think fit.

27. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

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Authentica-  
tion of  
notices  
served by  
the local  
authority.

*Penalties.*

28. Where any person obstructs the officer of health or any officer of the local or confirming authority acting in the performance of anything which the local or confirming authority are by this Act required or authorised to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding twenty pounds.

Penalty for  
obstructing  
officers  
in execution  
of Act.

10

*Saving Clauses.*

29. Where in any place to which this Act applies, any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Relation of  
local Acts to  
general Acts.

20

*Definitions.*

30. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

Construction  
of terms of  
Act.

25 "Secretary of State" means one of Her Majesty's principal Secretaries of State.

"Secretary  
of State."

"Person" shall include a body of persons, corporate or unincorporate:

"Person :"

30 "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure, and any right over land:

"Lands."

"The city of London" shall include the liberties thereof:

"City of  
London."

"The metropolis" shall not include the city of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works:

"The metro-  
polis :"

35 "A district board or vestry" within the Metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855:

"A district  
board or  
vestry."



- A.D. 1875. — “Medical officer of health” shall, in the case of Ireland, mean consulting sanitary officer :
- “Local Government Board” shall, in the case of Ireland, mean Local Government Board of Ireland :
- “Clerk of local authority” shall, in the case of Ireland, mean 5 executive sanitary officer and acting clerk :
- “Superior courts” shall mean, in the case of Ireland, Her Majesty’s superior courts in Ireland :
- “Treasury.” “The Treasury” shall mean the Lords Commissioners of the Treasury, or any two of them : 10
- “This Act.” “This Act” includes any confirming Act as herein-before defined.
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## SCHEDULE.

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PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF  
LANDS IN ENGLAND OTHERWISE THAN BY AGREEMENT, AND  
OTHERWISE AMENDING THE LANDS CLAUSES ACT, 1845.

5                   *Deposit of Maps and Plans.*

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken  
10 compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

15 (2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps, schedules, and estimates at the office of the confirming authority, and shall deposit  
20 and keep copies of such maps, schedules, and estimates at the office of the local authority.

*Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon  
25 the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in such of the scheduled lands as they have not agreed to purchase at the time of such application.

*Proceedings on Arbitration.*

30 (5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

[126.]

C

A.D. 1875. ' I *A.B.* do solemnly and sincerely declare, that I will faithfully  
 ' and honestly, and to the best of my skill and ability, hear and  
 ' determine the matters referred to me under the provisions of the  
 ' Artizans Dwellings Improvement Act, 1875. *A.B.*

' Made and subscribed in the presence of . 5  
 And such declaration shall be annexed to the award when made ;  
 and if any arbitrator, having made such declaration, wilfully act  
 contrary thereto, he shall be guilty of a misdemeanor.

(6.) As soon as an arbitrator has been appointed as aforesaid, the  
 confirming authority shall deliver to him the maps, schedules, and 10  
 estimates deposited at their office, and the local authority shall  
 publish once in each of three successive weeks the following par-  
 ticulars :—

(a.) The appointment of the arbitrator :

(b.) The deposit at the office of the local authority of the copies 15  
 of such maps, schedules, and estimates as aforesaid, with  
 a description of the situation of such office, and a state-  
 ment of the time at which such copies may be inspected  
 by any person desirous of inspecting the same :

(c.) A requisition directing the owners of or parties by this 20  
 Act enabled to sell and convey or release any of the said  
 scheduled lands, or any lands injuriously affected by the  
 execution of the scheme of the local authority or any  
 interest in such lands, to deliver to the arbitrator, on or  
 before a day fixed by the arbitrator and named in such 25  
 requisition, (and being a day not earlier than twenty-one  
 days from the date of the insertion of the last of such  
 notices,) a short statement in writing of the nature of  
 their respective claims.

(7.) The arbitrator shall, after the expiration of the period 30  
 within which such claims are required to be delivered to him as  
 aforesaid, proceed to inquire into and adjudicate according to the  
 basis provided in this Act upon the compensation to be paid in  
 respect of such of the scheduled lands, and of the several interests  
 in such lands, and the persons entitled to such lands as are men- 35  
 tioned in his appointment and interests, and the compensation to  
 be made for injury to any lands as are mentioned in his appoint-  
 ment injuriously affected by the execution of the scheme of the  
 local authority.



A.D. 1875.  
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(8.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to  
5 any lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

10 (10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award  
15 has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier  
20 than twenty-one days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by  
25 any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional  
30 award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such  
35 objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final and be binding and conclusive (subject to the pro-  
40 visions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

A.D. 1875.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of 5 a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty- 10 one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title shall commence twenty years previous to the date 15 of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.

*Payment of Purchase Money.*

(14.) Within thirty days from the delivery of such statement and 20 abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award. 25

(15.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such 30 person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to 35 whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in any 40 of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred,

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for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom, or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate, as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation Act, 1845," "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local



A.D. 1875. authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered 5 refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount, payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-men- 10 tioned clauses of "The Lands Clauses Consolidation Act, 1845," as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority 15 from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23.) If from any reason whatever the local authority does not 20 deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by 25 application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such 30 application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be 35 entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of 40 any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement

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scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said Bank, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the Bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the Bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like

A.D. 1875. application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited. 5

*Appeal.*

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds, and 10

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds five hundred pounds, also 15

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of five hundred pounds; 20

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen. 25

The cause of appeal shall be deemed to have arisen,—

(1.) Where a certificate has been issued as aforesaid at the date of the issue of the certificate: 30

(2.) Where moneys have been paid into court at the date of the payment into court:

(3.) Where the local authority appeals at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except section forty-seven: 40  
Provided also, that in the construction of the said sections,—



(1.) Where the local authority appeals, that authority shall be deemed to be the plaintiff, and the party entitled to compensation to be the defendant; and

(2.) The amount of compensation awarded in any case by the arbitrator shall, for the purposes of costs, be deemed to be the sum previously offered by the promoters of the undertaking:

Provided that where the local authority is the appellant,—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues joined in the Court of Queen's Bench or any court to which the jurisdiction of the Court of Queen's Bench may be transferred.

#### *Costs of Arbitration.*

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly. Further, any such certificate may be made a rule of one of the superior courts of law on the application of any party named therein, and may be enforced accordingly.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made

A.D. 1875. before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable 5 as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such 10 claim before the commencement of the arbitration.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, 15 which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose. 20

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the 25 place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the 30 London Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority.





# Artizans Dwellings.

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A

## B I L L

[AS AMENDED IN COMMITTEE]

For facilitating the Improvement of the  
Dwellings of the Working Classes in  
Large Towns.

(Prepared and brought in by  
Mr. Secretary Cross, Mr. Selater-Booth, and  
Sir Henry Selwin-Ibbetson.)

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*Ordered, by The House of Commons, to be Printed,*  
19 April 1875.

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[Bill 126.]

*Under A 02.*

# Artizans Dwellings (Scotland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

#### Clauses.

1. Short title of Act.
- 

## PART I.

### UNHEALTHY AREAS.

#### 1. *Scheme by Local Authority.*

2. Application of Act and description of local authority.
3. Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.
4. Official representation by whom to be made.
5. Requisites of improvement scheme of local authority.

#### 2. *Confirmation of Scheme.*

6. Improvement scheme by provisional order to be confirmed by Parliament. Publication of notices. Service of notices. Petition to Secretary of State.
7. Costs to be awarded in certain cases.
8. Inquiry on refusal of local authority to make an improvement scheme.

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9. Duty of local authority to carry scheme when confirmed into execution.
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  11. Notice to occupiers by placards.
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-

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- 13. Provision in case of absence of medical officer of health.
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- 15. Proceedings on local inquiry.
- 16. Notice of inquiry to be publicly given.
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- 18. Acquisition of land.
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29. Relation of local Acts to general Acts.

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30. Construction of terms of Act.

SCHEDULE.

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A  
B I L L

FOR

Facilitating the Improvement of the Dwellings of the Working Classes in large Towns in Scotland. A.D. 1875.

WHEREAS various portions of many cities and burghs in Scotland are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants :

5 And whereas there are in such portions of cities and burghs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of  
10 health, not only in the courts and alleys but also in other parts of such cities and burghs :

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner  
15 to make such alterations as are necessary for the public health :

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and burghs should be reconstructed :

20 And whereas in connexion with the reconstruction of those portions of such cities and burghs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
25 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. This Act may be cited for all purposes as "The Artizans  
" and Labourers Dwellings Improvement (Scotland) Act, 1875." Short title  
of Act.

[Bill 229.]

A



A.D. 1875.

## PART I.

## UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Application  
of Act and  
description  
of local  
authority.

2. This Act shall apply only to royal and parliamentary burghs in Scotland containing, according to the last published census, for 5 the time being a population of *twenty-five thousand* and upwards, and the local authority shall be the local authority under the Public Health (Scotland) Act, 1867, within each such royal and parliamentary burgh.

Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.

3. Where an official representation as herein-after mentioned is 10 made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of 15 the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more 20 of such causes, and that the evils connected with such houses, courts, or alleys and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if 25 satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith 30 proceed to make a scheme for the improvement of such area :

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested. 35

If any person votes in contravention of this proviso he shall, on summary conviction, incur a penalty not exceeding twenty pounds ; but the fact of his giving such vote shall not invalidate any resolution passed by the local authority.

Provided always, that any number of such areas may be included in one improvement scheme. A.D. 1875.

4. An official representation shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this Act shall make such representation whenever he sees cause to make the same; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act. Official representation by whom to be made.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof, and shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the owner or with the concurrence of the owner of any property subject to the same, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such owner. Requisites of improvement scheme of local authority.

## 2. *Confirmation of Scheme.*

6. Upon the completion of an improvement scheme the local authority shall— Improvement scheme by provisional order to be con-

40 Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same news-

A.D. 1875.  
 —  
 firmed by  
 Parliament.  
 Publication  
 of notices.

paper circulating within the jurisdiction of the local authority an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

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Service of  
 notices.

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken com- 10  
 pulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

(a.) By delivery of the same personally to the person required to 15  
 be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(b.) By leaving the same at the usual or last known place of 20  
 abode of such person as aforesaid; or

(c.) By forwarding the same by post in a prepaid letter ad-  
 dressed to the usual or last known place of abode of such  
 person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house shall be deemed to be a notice 25  
 served on the occupier or on all the occupiers of any such house.

Petition to  
 Secretary of  
 State.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices the local authority shall present a petition to a Secre- 30  
 tary of State, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners, or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State (in this Act referred to as the confirming 35  
 authority) may from time to time require :

If, on consideration of the petition and on proof of the publica-  
 tion of the proper advertisements and the service of the proper  
 notices, the confirming authority thinks fit to proceed with the case,  
 he shall direct a local inquiry to be held in, or in the vicinity 40  
 of, the area to which the scheme relates, for the purpose of ascer-



taining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

After receiving the report made upon such inquiry, the confirming  
5 authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorising such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that  
10 no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act  
15 to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as  
20 soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament, and is in this Act referred to as the confirming Act.

25 The confirming authority may make such order as he thinks fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

30 All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority thinks proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in  
35 pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for  
40 the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time

A.D. 1875. being due in respect of such costs, charges, and expenses as aforesaid.

The Court of Session may, on the application of the Lord Advocate, on behalf of the confirming authority or on the application of any person interested, interpose their authority to any order made by the confirming authority under this section, and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Costs to be awarded in certain cases.

7. Where any bill for confirming a provisional order authorising an improvement scheme is referred to a committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of local authority to make an improvement scheme.

8. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to him with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

### 3. *Execution of Scheme by Local Authority.*

Duty of local authority to carry scheme

9. When the confirming Act authorising any improvement scheme of a local authority under this Act has been passed by

Parliament, it shall be the duty of that authority [to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such

A.D. 1873.

—  
when confirmed into  
execution.

5 scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to  
10 build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon,  
15 on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves,  
20 without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such  
25 streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which  
30 may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of  
35 proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within ten years from the time of the  
40 completion thereof.



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The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the owner of any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such owner.

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Completion  
of scheme on  
failure by  
local autho-  
rity.

**10.** If within five years after the removal of any buildings on the land set aside by any provisional order as sites for working men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction, or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

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Notice to  
occupiers by  
placards.

**11.** The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a sheriff or sheriff substitute that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

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Power of  
confirming  
authority to  
modify  
authorised  
scheme.

**12.** The confirming authority, on its being proved to his satisfaction that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which any improvement scheme relates, either in manner provided by the scheme or in some other manner, may permit the local authority to modify any part of an improvement scheme authorised by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

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## PART II.

### PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

#### *As to Local Authority.*

##### 1. *Medical Officer.*

5   13. In case of the illness or unavoidable absence of the medical officer of health, the local authority, may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner who shall for the period of six calendar months or any less period to be named in the appointment, have and perform  
10 all the powers and duties of a medical officer of health under this Act.

Provision in case of absence of medical officer of health.

14. Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed to inspect  
15 such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area and to make  
20 a representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and  
25 if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

Inquiry on default of medical officer in certain cases.

The confirming authority shall make such order as to the costs of the inquiry as he thinks just, with power to require the whole or  
30 any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

35 Any order made by the confirming authority under this section may be enforced in the same way as an order made under section six of this Act.

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2. *Local Inquiry.*

Proceedings  
on local  
inquiry.

15. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area 5 being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.

Notice of  
inquiry to  
be publicly  
given.

16. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise, 10 in such manner as he thinks best calculated to give information to the persons residing in the area, his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry. 15

Power to  
administer  
oath.

17. The officer conducting such inquiry shall have power to administer an oath; and he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as he thinks expedient.

3. *Acquisition of Land.*

20

Acquisition  
of land.

18. The clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation 25 (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted 30 in the body thereof, subject to the provisions following; that is to say,

- (1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any con- 35 firming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:



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(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings, in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area, or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act :

(3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

19. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

Extinction of rights of way and other servitudes.

#### 4. *Expenses.*

20. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under [229.]

Formation of improvement fund for

A.D. 1875.  
 ———  
 purposes of  
 this Act.

this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rate or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that, as far as may be practicable, all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which any other local rate is for the time being applicable.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

Power of  
 borrowing  
 money for  
 the purposes  
 of the Act.

**21.** Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as

they may require for the purposes of this Act, as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers. A.D. 1875.

The Public Works Loan Commissioners, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for the purposes of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of *three and a half* per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

22. The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act. Audit of accounts.

### PART III.

#### GENERAL PROVISIONS.

23. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require. Provision where local authority has no seal.

#### *Notices.*

24. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him. Service of notice on the local authority.

25. The confirming authority may from time to time by order prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act. Power of confirming authority as to advertisements and notices.



A.D. 1875.

Power of  
confirming  
authority to  
dispense  
with notices  
in certain  
cases.

26. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to him as required by this Act, where reasonable cause is shown to 5 his satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority either unconditionally or upon such condition as to the publication of other advertisements, and the service of other notices or otherwise, as the confirming authority may think fit, due care 10 being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Authentica-  
tion of notices  
served by  
the local  
authority.

27. Any notice served by the local authority for the purposes of 15 this Act may be signed by the clerk of the local authority.

#### *Penalties.*

Penalty for  
obstructing  
officers in  
execution  
of Act.

28. Where any person obstructs the officer of health or any officer of the local or confirming authority acting in the performance of anything which the local or confirming authority are by 20 this Act required or authorised to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding *twenty pounds*.

All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions 25 of "The Summary Procedure Act, 1864," and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

Every such penalty shall be recovered at the instance of the procurator fiscal of the jurisdiction. 30

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff.

It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no 35 circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, 40 and restrictions contained in the said provisions.

*Saving Clause.*

A.D. 1875.

29. Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Relation of local Acts to general Acts.

*Definitions.*

30. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

“ Secretary of State ” means one of Her Majesty’s Principal Secretaries of State :

“ Person ” shall include a body of persons, corporate or unincorporate :

“ Lands ” shall include lands and heritages of any tenure, and any right over land :

“ Sell ” shall include convey by way of feu or contract of ground annual :

“ The Court of Session ” shall mean either division of the Inner House thereof :

“ The Treasury ” shall mean the Lords Commissioners of the Treasury, or any two of them :

“ This Act ” includes any confirming Act as herein-before defined.

Construction of terms of Act.

“ Secretary of State.”

“ Person.”

“ Lands.”

“ Sell.”

“ Court of Session.”

“ Treasury.”

“ This Act.”

A.D. 1875.

## SCHEDULE.

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PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF  
LANDS IN SCOTLAND OTHERWISE THAN BY AGREEMENT, AND  
OTHERWISE AMENDING THE LANDS CLAUSES CONSOLIDATION  
(SCOTLAND) ACT, 1845.

5

### *Deposit of Maps and Plans.*

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

15

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

### *Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands, or lands injuriously affected by the execution of the scheme, so far as compensation for the same has not been made the subject of agreement.

30

### *Proceedings on Arbitration.*

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

‘ I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and

35



‘ determine the matters referred to me under the provisions of the A.D. 1875.  
‘ Artizans and Labourers Dwellings Improvement (Scotland) Act,  
‘ 1875. A.B.

‘ Made and subscribed in the presence of ’

5 And such declaration shall be annexed to the award when made ;  
and if any arbitrator, having made such declaration, wilfully act  
contrary thereto, he shall be guilty of a crime and offence.

(6.) As soon as an arbitrator has been appointed as aforesaid, the  
confirming authority shall deliver to him the maps and schedules  
10 deposited at their office, and the local authority shall publish once  
in each of three successive weeks the following particulars :—

(a.) The appointment of the arbitrator :

(b.) The deposit at the office of the local authority of the copies  
of such maps and schedules as aforesaid, with a description  
15 of the situation of such office, and a statement of the time  
at which such copies may be inspected by any person  
desirous of inspecting the same :

(c.) A requisition directing the owners of or parties by this  
Act enabled to sell and convey any of the said scheduled  
20 lands, or any lands injuriously affected by the execution  
of the scheme of the local authority, or any interest in  
such lands, to deliver to the arbitrator, on or before a  
day fixed by the arbitrator and named in such requisition,  
(and being a day not earlier than twenty-one days from  
25 the date of the insertion of the last of such notices,) a  
short statement in writing of the nature of their respective  
claims.

(7.) The arbitrator shall, after the expiration of the period  
within which such claims are required to be delivered to him as  
30 aforesaid, and so far as such claims may not be settled by agree-  
ment, proceed to inquire into and adjudicate according to the  
basis provided in this Act upon the compensation to be paid in  
respect of the scheduled lands, and of the several interests in such  
lands, and the compensation to be made for injury to any lands as  
35 are mentioned in his appointment, injuriously affected by the exe-  
cution of the scheme of the local authority.

(8.) The arbitrator shall, after due inquiry and examination,  
frame a provisional award, setting forth the compensation to be paid  
by the local authority in respect of the several interests in the said  
40 scheduled lands, and also, where any inquiry relates to injury to  
any lands injuriously affected by the execution of the scheme of

A.D. 1875. the local authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

(10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of

the deposit having been made at the office of the local authority of A.D. 1875.  
a copy of the award so confirmed, and a further notice requiring all  
persons claiming to have any right to or interest in the lands (the  
compensation to be paid in respect of which is ascertained by such  
5 award) to deliver to the local authority, on or before a day to be  
named in such notice (such day not being earlier than twenty-one  
days from the date of the last publication of the notice), a short  
statement in writing of the nature of such claim, together with a  
legal progress of the title deeds of the lands in respect of which the  
10 claim is made; and such statement, and an inventory of the title  
deeds forming such progress, shall be paid for by the local  
authority.

*Payment of Purchase Money.*

(14.) Within thirty days from the delivery of such statement and  
15 progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said  
20 award.

(15.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears  
25 to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of  
30 moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate  
35 shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent  
40 thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution



A.D. 1875. and diligence as aforesaid, shall be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the costs of the local authority.

(20.) If it appear to the local authority, from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein

A.D. 1875.

specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland, in manner provided by the last-mentioned clauses of "The Lands  
"Clauses Consolidation (Scotland) Act, 1845," and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the Court of Session, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth

A.D. 1875. in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of 5 certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money 10 payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into any of the said banks, then until the same, with such interest, 15 is paid into such bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in 20 such certificate.

(25.) The money so deposited as last aforesaid shall be paid into any of the said banks to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in such bank in similar cases, or to 25 such account as may be directed by any order of the Court of Session, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money 30 so deposited may, on the application by petition of the local authority, be ordered to be invested in Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Session, upon a like application, to order the money so deposited, or the funds in which 35 the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose 40 security the same shall so have been deposited.



A.D. 1875.

*Appeal.*

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming  
5 under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds, and

Where any party claiming any interest in any moneys so paid into bank as aforesaid is dissatisfied with the amount of the price or  
10 compensation in respect of which such moneys are paid into bank, and such amount exceeds five hundred pounds, also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person  
15 in respect of any estate or interest in lands, and such amount exceeds the sum of five hundred pounds ;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal  
20 within ten days after notice has been given that the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid at the date of the issue of the certificate :
- 25 (2.) Where moneys have been paid into bank at the date of the payment into bank :
- (3.) Where the local authority appeals at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal  
30 to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845 , and all the provisions of that Act contained in sections thirty-seven  
35 to fifty-five, both inclusive, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections,—

- (1.) Where the local authority appeals, that authority shall be deemed to be the pursuer, and the party entitled to compensation to be the defender ; and

40

A.D. 1875.

- (2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the Court of Session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid. 10
- (3.) Where the local authority is the appellant,—
- (1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and, 15
- (2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid. 20
- (4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled. 25

*Costs of Arbitration.*

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, 30 35 40

and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the confirming authority made under section six of this Act. A.D. 1875.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority: and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the Edinburgh Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority; and where no other form of service is prescribed, all notices required to be served or given by the local authority under this schedule, or otherwise, upon any



A.D. 1875. — persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers. . 5



# Artizans Dwellings (Scotland).

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A

## B I L L

For facilitating the Improvement of the  
Dwellings of the Working Classes, in  
large Towns in Scotland.

(Prepared and brought in by  
Mr. Secretary Cross and the Lord Advocate.)

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*Ordered, by The House of Commons, to be Printed,  
30 June 1875.*

[Bill 229.]

*Under 4 02.*



## LORDS AMENDMENTS

TO

### THE ARTIZANS DWELLINGS BILL.

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Note.—*The page and line refer to Bill (82.) as first printed by the Lords.*

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*Page 4.*

Clause 5, line 4, leave out (“owner”) and insert (“person  
“entitled to the first estate of freehold in any property sub-  
“ject to the scheme”)

line 5, leave out (“the owner of any property sub-  
“ject to the same”) and insert (“such person”)

line 8, leave out (“owner”) and insert (“person”)

*Page 8.*

Clause 9, line 8, leave out (“owner of”) and insert (“person  
“entitled to the first estate of freehold in”)

line 10, leave out (“owner”) and insert (“person”)

Clause 12, line 34, after (“on”) insert (“application from the  
“local authority and on”)

line 35, after (“that”) insert (“an improvement  
“can be made in the details of any scheme, and that”)

lines 37 and 38, leave out (“any improvement”)  
and insert (“such”)

line 39, after (“manner”) insert (“or will be  
“more advantageously made or secured under the proposed  
“alteration”)

At end of clause 12 add—

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament: Provided always, that if such modification or  
[Bill 214.]

alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme, without the consent of the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in section six of this Act, on the completion of an improvement scheme.

*Page 11.*

Clause 19, line 22, leave out from ("value") to the end of the sub-section.

LORDS AMENDMENTS  
TO  
THE ARTIZANS DWELLINGS  
BILL.

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*Ordered, by The House of Commons, to be Printed,  
19 June 1875.*

[Bill 214.]

*Under 1 oz.*

A

# B I L L

TO

Extend to the Docks, Custom Houses, Inland Revenue Offices, and Bonding Warehouses in England and Ireland certain provisions of The Bank Holidays Act, 1871, and to amend the same. A.D. 1875.

**W**HEREAS it is expedient to extend certain of the holidays named in the “Bank Holidays Act, 1871,” to the docks, custom houses, inland revenue offices, and bonding warehouses in England and Ireland, and to amend the same :

5 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. *From and after the passing of this Act*, the several days and 10 each and every of them in the schedule to this Act mentioned, being holidays under the “Bank Holidays Act, 1871,” shall be kept as close holidays in all docks, custom houses, inland revenue offices, and bonding warehouses in England and Ireland respectively. Certain days mentioned in schedule to be holidays.

2. This Act may be cited for all purposes as “The Bank Holidays 15 Extension Act, 1875.” Short title.



2 *Bank Holidays Act (1871) Extension and Amendment.* [38 VICT.]

A.D. 1875.

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SCHEDULE.

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Easter Monday.

Monday in Whitsun week.

The first Monday in August.

The twenty-sixth of December (if a week day).

5



**Bank Holidays Act  
(1871) Extension and  
Amendment.**

---

A

**B I L L**

To extend to the Docks, Custom Houses,  
Inland Revenue Offices, and Bonding  
Warehouses in England and Ireland  
certain provisions of The Bank Holi-  
days Act, 1871, and to amend the  
same.

*(Prepared and brought in by  
Mr. Ritchie, Mr. Wheelhouse, Mr. Kay Shuttle-  
worth, and Sir Colman O'Loghlin.)*

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[B11 39.1]

*Under 1 oz.*



A

# B I L L

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF  
BILL AS AMENDED,]

TO

Extend to the Docks, Custom Houses, Inland Revenue Offices, A.D. 1875.  
and Bonding Warehouses in England and Ireland certain  
provisions of The Bank Holidays Act, 1871, and to  
amend the same.

WHEREAS it is expedient to amend "The Bank Holidays Act,  
1871," and to extend certain of the holidays named therein to  
the Customs, bonding warehouses, and docks, and to amend the  
Acts relating to holidays in the inland revenue offices in England  
and Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows ; that is to say,

- 10   1. From and after the passing of this Act, the several days and  
each and every of them in the schedule to this Act mentioned, being  
holidays under the "Bank Holidays Act, 1871," shall be kept as  
public holidays in the Customs, inland revenue offices, and bonding  
warehouses in England and Ireland respectively ; and it shall be  
15 lawful for the directors or governing body (by whatever name  
known) of any dock or docks in England and Ireland respectively  
to cause the said days or any of them to be kept as holidays in such  
dock or docks, any restraining clause in any Act of Parliament  
notwithstanding : Provided that such directors or governing body  
20 shall give notice thereof by inserting an advertisement to that  
effect in some newspaper circulating in the locality of the said dock  
or docks, and by affixing to the principal gates of such dock or  
docks a notice to the same effect for at least a week immediately  
preceding any day which it is intended to observe as a holiday  
25 under this Act ; and the anniversary of the coronation of Her  
Majesty and her successors, and the birthday of the Prince of  
[Bill 122.]
- Certain days  
mentioned in  
schedule to  
be holidays.

2 *Bank Holidays Act (1871) Extension and Amendment.* [38 VICT.]

A.D. 1875. Wales shall no longer be kept as holidays in any inland revenue office in England or Ireland.

When  
twenty-sixth  
of December  
falls on a  
Sunday.

2. Whenever the twenty-sixth day of December (as mentioned in the schedule hereto) shall fall on a Sunday, the Monday immediately next following, that is to say, the twenty-seventh day of December, shall be a bank holiday under this Act, and also under "The Bank Holidays Act, 1871."

Exercise of  
powers by  
Lord  
Lieutenant  
of Ireland.

3. The powers conferred on Her Majesty by sections four and five of "The Bank Holidays Act, 1871," may be exercised in Ireland, as far as relates to that part of the United Kingdom, by the Lord Lieutenant in Council.

Short title.

4. This Act may be cited for all purposes as "The Bank Holidays Extension Act, 1875."

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SCHEDULE.

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Easter Monday.

Monday in Whitsun week.

The first Monday in August.

The twenty-sixth of December (if a week day).





**Bank Holidays Act  
(1871) Extension and  
Amendment.**

A

**B I L L**

[AS AMENDED IN COMMITTEE, AND ON  
CONSIDERATION OF BILL, AS AMENDED,]

To extend to the Docks, Custom Houses,  
Inland Revenue Offices, and Bonding  
Warehouses in England and Ireland  
certain provisions of The Bank Hol-  
days Act, 1871, and to amend the  
same.

*(Prepared and brought in by  
Mr. Ritchie, Mr. Wheelhouse, Mr. Kay Shuttle-  
worth, and Sir Colman O'Loughlin.)*

---

*Ordered, by The House of Commons, to be Printed,  
16 April 1875.*

---

[Bill 122.]

*Under 1.02.*

A  
B I L L

TO

Amend the Bankers Acts.

A.D. 1875.

WHEREAS certain banks, both in England and in Scotland, have special privileges of making and issuing bank notes :

And whereas some of the said banks are, during the continuance of such privileges, subject to restrictions as to the places at which  
5 the business of banking may be carried on by them :

And whereas it is equitable and expedient that all banks having such special privileges as aforesaid shall be on an equal footing with respect to such restrictions :

Be it enacted by the Queen's most Excellent Majesty, by and  
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The power of any banker to make or issue bank notes, whether  
in England or in Scotland, shall, after the *last day of December one*  
15 *thousand eight hundred and seventy-five*, be subject to the condition that such banker shall not, after the said day, have any house of business or establishment as a banker in the other of the said parts of Great Britain.

Amendment  
of Act.

2. In this Act the term "banker" has the same meaning as  
20 regards England as in the Act of the seventh and eighth of Her Majesty, chapter thirty-two, and as regards Scotland as in the Act of the eighth and ninth of Her Majesty, chapter thirty-eight.

Interpreta-  
tion.







# Bankers Acts Amendment.

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A

## BILL

To amend the Bankers Acts.

(Prepared and brought in by  
Mr. Goschen, Mr. Weylein, and Mr. Baring.)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

---

[Bill 10.]

*Under 1 oz.*

A  
B I L L

TO

Amend the Law of Bankruptcy in Scotland.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. The limit of the annual rate of wages of which, for a period not exceeding one month, workmen, shopmen, clerks, and servants are, by virtue of the one hundred and twenty-second section of the Act of 1856, to consolidate and amend the law of bankruptcy in Scotland, required to be paid, where such wages do not exceed sixty  
10 pounds per annum, shall be enlarged to one hundred pounds per annum.

Alteration  
and amend-  
ment of  
19 & 20 Vict.  
c. 79. s. 122.

2. This Act may be cited for all purposes as the Bankrupt Law Short title.  
Further Amendment Act (Scotland), 1875.







# Bankruptcy (Scotland) Law Amendment.

---

A

## B I L L

To amend the Law of Bankruptcy in  
Scotland.

(Prepared and brought in by  
*Mr. Porteus* *Harrison*, *Mr. Anderson*, and  
*Mr. Holmes*.)

---

*Ordered, by The House of Commons, to be Printed,*  
*8 February 1875.*

---

[Bill 7.]

*Under 1 oz.*



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Bankruptcy in Scotland.

A.D. 1875.

**W**HEREAS by section one hundred and twenty-two of the Bankruptcy (Scotland) Act, 1856, it is enacted that “the 19 & 20 Vict.  
c. 79.

“wages of workmen and of clerks and shopmen and servants  
“employed by the bankrupt, where such wages do not exceed sixty  
5 “pounds per annum, shall be entitled to the same privilege as the  
“wages of domestic servants to the extent of a month’s wages  
“prior to the date of sequestration being awarded, or where  
“sequestration is not awarded, prior to the concurrence of diligence  
“for distribution of the estate of a party being notour bankrupt:”

10 And whereas it is expedient to amend the said enactment by enlarging the amount of the wages of workmen, clerks, shopmen, and servants, in respect of which they shall be entitled to the same privilege to the extent of one month’s wages as aforesaid that domestic servants have in respect of their wages:

15 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall apply only to Scotland.

20 2. From and after the passing of this Act, section one hundred and twenty-two of the Bankruptcy (Scotland) Act, 1856, shall be read and construed as if for the words “sixty pounds” occurring therein the words “one hundred and fifty pounds” were substituted.

Application  
of the Act.  
Amend-  
ment of  
19 & 20 Vict.  
c. 79. s. 122.







# Bankruptcy (Scotland) Law Amendment.

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law of Bankruptcy in  
Scotland.

(Prepared and brought in by  
*Mr. Fortescue Harrison, Mr. Anderson, and  
Mr. Holmes.*)

---

*Ordered, by The House of Commons, to be Printed,  
5 April 1875.*

---

[Bill 108.]

*Under 1 oz.*

# Bills of Sale Act Amendment Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Interpretation.
2. Second bill of sale as security for same debt to be null.
3. Mortgages effected instead of bill of sale to be null in certain cases.
4. Provisions referred to in preceding section.
5. Short title.
6. Extent of Act.

SCHEDULE of particulars required.

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## A

## B I L L

TO

Amend the Act of the seventeenth and eighteenth Victoria, A.D. 1875.  
chapter thirty-six, relating to Bills of Sale.

WHEREAS the Act seventeenth and eighteenth Victoria, chapter thirty-six, does not sufficiently prevent the mischief which it was intended to prevent, and it is desirable more effectually to prevent that mischief and other mischiefs of a like character :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. The words and expressions "*bill of sale*" and "*personal chattels*" shall in this Act have the same meaning as is given to them in the seventh section of the said Act; and personal chattels shall be deemed to be in the "*apparent possession*" of the person making or giving a bill of sale under the same circumstances and for the same time as it is by that section enacted that they shall  
15 be deemed to be in such apparent possession.

20 2. Whenever hereafter a bill of sale is executed in consideration of or to secure a debt, money, or money's worth, and afterwards another bill of sale is executed in consideration of or to secure the same debt, money, or money's worth, or any part thereof, the subsequent bill of sale, so far as regards the property in or right to the possession of any personal chattels comprised in or made subject to the former bill of sale shall be null and void to all intents and purposes as against the same persons and to the same extent as the former bill of sale shall under the provisions of the said Act or of  
25 this Act be null and void, notwithstanding that the requirements of the said Act or of this Act shall be complied with as to the subsequent bill of sale, or the twenty-one days allowed for complying therewith shall not have elapsed; *provided* that if in endeavouring to comply with the requirements of the said Act or of this Act as to the former bill of sale any error is committed,  
30

Interpretation.

Second bill of sale as security for same debt to be null.

A.D. 1875.

and the same is committed innocently, by mistake, and without any design to evade the said Act or this Act, a subsequent bill of sale shall not be rendered null and void by this Act, if the same is executed, and the requirements of the said Act or of this Act in respect of the same are duly complied with, within twenty-one days 5 after it shall first come to the knowledge of the person claiming under the bill of sale, or, if there are more than one such person, to the knowledge of one of them, that the requirements of the said Act or of this Act have not been properly complied with.

Mortgages effected in-  
stead of bill  
of sale to be  
null in cer-  
tain cases.

3. When any mortgage of or security or charge on any per- 10  
sonal chattels is hereafter effected without a bill of sale, and is of such a character as that it might have been effected by means of a bill of sale, the said mortgage, security, or charge, whether the same be legal or equitable, shall, unless the requirements hereafter specified are complied with, be null and void as against the same 15 persons and to the same extent as the bill of sale would have been null and void, if the mortgage, security, or charge had been effected by a bill of sale, and the requirements of the said Act or of this Act had not been complied with in respect of the same; and every such mortgage, security, or charge shall be deemed to be 20 a bill of sale, and the effecting of it shall be deemed to be the execution of a bill of sale within the meaning of those expressions as used in the second section of this Act.

Provisions  
referred to  
in preceding  
section.

4. The following are the requirements above referred to in the 25  
third section :

There shall be filed with the officer acting as clerk of the docket and judgments in the Court of Queen's Bench, within twenty-one days after such mortgage, security, or charge is effected, a statement which substantially shall be in the form and made according to the directions contained in the schedule 30 hereto, which statement shall state—

1. The name, residence, and occupation of the person effecting the mortgage, security, or charge, who in the schedule is called the grantor :
2. The name, residence, and occupation of the person to whom 35 or in whose favor it is effected, who in the schedule is called the grantee :
3. The date on which it is effected :
4. The amount of the debt or money, or a description and the value of the money's worth, in consideration of which or 40 to secure which it is effected, and which in the schedule is called the consideration :

5. A description of the property comprised in or made subject to the mortgage, security, or charge : A.D. 1875.

6. The parish, street, and number in the street, or other sufficient address of the house, warehouse, or other place in which the property is ; and the name, residence, and occupation of some person (if any such person there is) who may have been present at the effecting of such mortgage, security, or charge, and who in the schedule is called the witness.

5. This Act may be called the Bills of Sale Amendment Act, 1875, chapter, Short title.  
the number of the chapter given to this Act in the statutes printed by the Queen's printer being added after the word chapter.

6. This Act shall not extend to Scotland or Ireland, except in the case of a bill of sale, mortgage, charge, or security executed or effected in Scotland or Ireland by a person whose domicile is in England, so far as such bill of sale, mortgage, charge, or security affects property in England, and the non-extension of the said Act of the seventeenth and eighteenth Victoria to Scotland and Ireland shall be subject to the same exception. Extent of Act.



A.D. 1875.

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### SCHEDULE.

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The following are the particulars required by the Bills of Sale Amendment Act, 38 & 39 Victoria, chapter (1)

Name of grantor (2)	
His residence (2)	5
His occupation (2)	
Name of grantee (2)	
His residence (2)	
His occupation (2)	
Date of transaction (2)	10
The consideration (2)	
The property affected (2)	
The place where the property is (2)	
Name of the witness, if any (2)	
His residence (2)	15
His occupation (2)	
Date of filing (2)	

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(1) Here insert the number of the chapter.

(2) Fill up these blanks truly according to the fact.



# **Bills of Sale Act Amendment.**

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A

## **B I L L**

To amend the Act of the seventeenth and  
eighteenth Victoria, chapter thirty-  
six, relating to Bills of Sale.

(Prepared and brought in by  
Mr. Lopes and Mr. Gregory.)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 8.]

*Under 1 oz.*



# Bills of Sale Act Amendment Bill.

[AS AMENDED IN COMMITTEE]

## ARRANGEMENT OF CLAUSES.

### Clauses.

1. Interpretation.
2. Second bill of sale as security for same debt to be void unless the first is registered.
3. Sales, mortgages, &c. effected without a bill of sale to be registered.
4. Powers of distraining when given as a security to be null in certain cases unless registered.
5. Contrivances not requiring registration but designed to evade the Act to be void in certain cases.
6. Possession to be deemed to continue when a bill of sale is unregistered for six weeks.
7. Bill of sale after three days to be inoperative during the rest of the twenty-one days until registered, and its registration after the three days not to have a retrospective effect.
8. Extension of periods of three and twenty-one days when on the last day the office is closed.
9. Copies and not originals to be filed in registration.
10. Affidavits to be sworn before Master of Queen's Bench.
11. Affidavits to be stamped.
12. Occupation of witness need not be stated.
13. Requirements as to registration referred to in the third and fourth sections.
14. Certain provisions as to bills of sale to apply to statements.
15. Parties for whose benefit Act is intended not to be estopped by the acts or omissions of the parties against whom it is directed.
16. Meanings of certain words used in this Act.
17. Exceptions from the Act.
18. Short title.
19. Act not to extend to bills of sale executed in Scotland and Ireland, except so far as they relate to goods in England.

### SCHEDULE.



A

## B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act of the seventeenth and eighteenth Victoria, A.D. 1875.  
chapter thirty-six, relating to Bills of Sale.

**W**HEREAS the Act seventeenth and eighteenth Victoria, chapter thirty-six, does not sufficiently prevent the mischief which it was intended to prevent, and it is desirable more effectually to prevent that mischief and other mischiefs of a like character :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The words and expressions "bill of sale" and "personal  
10 chattels" shall in this Act have the same meaning as is given to them in the seventh section of the said Act; and personal chattels shall be deemed to be in the "apparent possession" of the person making or giving a bill of sale under the same circumstances and for the same time as it is by that section enacted that they shall  
15 be deemed to be in such apparent possession.

2. Whenever hereafter a bill of sale is executed in consideration of or to secure a debt, money, or money's worth, and afterwards another bill of sale is executed in consideration of or to secure the same debt, money, or money's worth, or any part thereof, the sub-  
20 sequent bill of sale, so far as regards the property in or right to the possession of any personal chattels comprised in or made subject to the former bill of sale shall be null and void to all intents and purposes as against the same persons and to the same extent as the former bill of sale shall under the provisions of the said Act or of  
25 the Act twenty-ninth and thirtieth Victoria, chapter ninety-six, or of this Act, be null and void, notwithstanding that the requirements of the former Acts or of this Act shall be complied with as to the subsequent bill of sale, or the twenty-one days allowed for complying therewith shall not have elapsed; provided that if in

Interpreta-  
tion.

Second bill  
of sale as  
security for  
same debt  
to be void  
unless the  
first is  
registered.

[Bill 130.]

A



A.D. 1875. complying or endeavouring to comply with the requirements of the former Acts or either of them or of this Act as to the former bill of sale any error is committed, or if such compliance is altogether omitted, and the same error or omission is committed or made innocently, by mistake, or through ignorance or inadvertence, and without any design to evade the former Acts, or either of them, or this Act, a subsequent bill of sale shall not be rendered null and void by this Act, if the same is executed, and the requirements of the former Acts or of this Act applicable to the same are duly complied with, within twenty-one days after it shall first come to the knowledge of the person claiming under the bill of sale, or, if there are more than one such person, to the knowledge of one of them, that the said requirements have not been properly complied with, or that compliance therewith has been improperly omitted.

Sales, mortgages, &c. effected without a bill of sale to be registered.

3. When any sale or mortgage of or security or charge on any personal chattels is hereafter effected without a bill of sale, and is of such a character that it might have been effected by means of a bill of sale, the said sale, mortgage, security, or charge, whether the same be legal or equitable, shall, unless the requirements hereafter specified are complied with, be null and void as against the same persons and to the same extent as the bill of sale would have been null and void if the sale, mortgage, security, or charge had been effected by a bill of sale; and the requirements of the former Acts or of this Act applicable thereto had not been complied with in respect of the same; and every such sale, mortgage, security, or charge shall be deemed to be a bill of sale, and the effecting of it shall be deemed to be the execution of a bill of sale within the meaning of those expressions as used in the second section of this Act.

Powers of distraining when given as a security to be null in certain cases unless registered.

4. If any person for the purpose of securing any debt, money, or money's worth does either of the things in this section described; that is to say,

1. If he grants, assigns, or demises any land, building, or corporeal tenement to any other person, not being his landlord, with intent that the same, or any part thereof, shall be granted, assigned, or demised to him the first-mentioned person at a rent or subject to a power of distress, seizure, or sale of goods thereon; or
2. If, having possession of or any estate or interest in any land, building, or other corporeal tenement, he by attorning tenant to any person, not being his landlord, or by granting a rent issuing thereout or charged thereon, or by deed or other contrivance subjects the same to a power or right of

distraining, seizing, or selling goods thereon in favour or for the benefit of some person, not being his landlord ; A.D. 1875.

Then, unless the requirements herein-after mentioned are complied with, the person entitled to any such rent as aforesaid, or any  
 5 arrears thereof, shall not be deemed to be a landlord within the meaning, and shall not be entitled to the benefit of section one of the Act eighth Anne; chapter fourteen.

And a distress or seizure for any such rent as aforesaid, or under any such power as aforesaid, shall, as to any personal chattels dis-  
 10 trained or seized or taken thereunder and in favour and for the benefit of any creditor or creditors of the person who shall have done either of the things above described, be null and void as against the same persons to the same extent as a bill of sale is by the first-mentioned Act, under the circumstances therein specified,  
 15 declared to be null and void, and the possession or apparent possession of the person who shall have done either of the things above described shall not be deemed to be diverted or altered by the distress or seizure, but shall be deemed to continue notwithstanding the distress or seizure, or any thing done thereunder.

20 Provided always, that if any one buys under any such distress as aforesaid any personal chattels bonâ fide for a valuable and reasonable consideration the property in the same chattels shall vest in him, but the person who distrains as aforesaid shall notwithstanding the sale be responsible for the value of the chattels  
 25 sold.

5. A person shall be deemed to design or intend to evade the former Acts and this Act when he is knowingly a party or consents to any contrivance, and intends that any person being the owner of or having some interest in personal chattels may, by means of  
 30 such contrivance, after selling or mortgaging them, or creating a charge or security upon them, or after, by any of the modes described in this Act, subjecting them to distress, seizure, or sale, as a security for a debt, money, or money's worth, continue to have, or without continuity have the use, enjoyment, possession, or  
 35 apparent possession of the said chattels, or of chattels which may be thereafter acquired by him without publicity being given to the fact that a change has been effected in the title or interest of such owner or party interested, or to the fact that his goods are liable to such distress, seizure, or sale as aforesaid.

Contrivances not requiring registration but designed to evade the Act to be void in certain cases.

40 And no person who knows that bills of sale require registration, and with that knowledge and with intent to evade the said Acts

A.D. 1875.

and this Act becomes party or consents to any such contrivance as aforesaid, shall, by reason of such contrivance, if it does not require registration, either acquire any title thereunder or under any such distress or seizure as aforesaid to any personal chattels whatever, or acquire any other right or title whatever as against any of the 5 persons as against whom a bill of sale is by the first-mentioned Act under the circumstances therein stated made null and void.

Possession to be deemed to continue when a bill of sale is unregistered for six weeks.

6. Possession or apparent possession shall, for the purposes of the former Acts and this Act, be deemed to continue for six weeks after any determination thereof which shall take place after the 10 end of the twenty-one days allowed for registration.

Bill of sale after three days to be inoperative during the rest of the twenty-one days until registered, and its registration after the three days not to have a retrospective effect.

7. After the first three of the twenty-one days allowed for registration, a bill of sale or other transaction which requires registration under the former Acts, or either of them, or under this Act, shall not, during the remainder of the twenty-one days, 15 have or be deemed to have had any operative effect against the persons as against whom a bill of sale is by the first-mentioned Act declared to be null and void, nor shall its registration, if made during the said remainder of the twenty-one days, have any retrospective effect to defeat any title or claim acquired by any of 20 those persons prior to such registration.

Extension of periods of three and twenty-one days when on the last day the office is closed.

8. When the last of the three days mentioned in this Act, or of the twenty-one days mentioned in the first-mentioned Act, shall be a day when the office of the Masters of the Queen's Bench is closed, the period of three days or twenty-one days, as the case 25 may be, shall be extended so as to include the first day afterwards on which the office is open.

Copies and not originals to be filed in registration.

9. In registering any bill of sale or statement under the first-mentioned Act or this Act, the original thereof shall not but a copy shall be filed.

30

Affidavits to be sworn before Master of Queen's Bench.

10. Every affidavit required by this Act may be sworn before a Master of the Court of Queen's Bench.

Affidavits to be stamped.

11. Every affidavit filed under the former Acts, or either of them, or under this Act, except the affidavits which, under the said Act of twenty-ninth and thirtieth Victoria are required to bear a five 35 shilling stamp, shall bear an adhesive common law stamp of two shillings, and no other fee shall be payable for the filing thereof.

Occupation of witness need not be stated.

12. In the affidavits required by the first-mentioned Act it shall not be necessary to describe the occupation of any witness.



13. The requirements above referred to in the third and fourth sections are stated in this section : A.D. 1875.

A statement which substantially shall be in the form and made according to the directions contained in the schedule hereto shall be made in writing or print, or partly in writing and partly in print, which shall state—

Require-  
ments as to  
registration  
referred to in  
the third and  
fourth sec-  
tions.

1. The name, residence, and occupation of the person effecting the sale, mortgage, security, or charge mentioned in the third section, or doing one of the things mentioned in the fourth section, who in the schedule is called the grantor :
2. The name, residence, and occupation of the person to whom or in whose favor it is effected or done, who in the schedule is called the grantee :
3. The date on which it is effected or done :
4. The amount of the debt or money, or a description and the value of the money's worth, in consideration of which or to secure which it is effected or done, and which in the schedule is called the consideration :
5. A description of the property comprised in or made subject to the sale, mortgage, security, or charge, if the third section applies, or a statement that goods of the grantor are liable to be seized and sold, if the fourth section applies :
6. The parish, street, and number in the street, or other sufficient address of the house, warehouse, farm, or other place in which the property is ;

And a copy of the statement with an affidavit of the time when the transaction to which it relates was effected or done, and a description of the residence and occupation of the person above called the grantor, shall be filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench, within twenty-one days after the effecting or doing the transaction to which the statement relates.

And the registration thereof shall be renewed once in every five years in the same manner as a bill of sale is by the said Act of the twenty-ninth and thirtieth Victoria required to be renewed.

14. The requirements of the said Act of the seventeenth and eighteenth Victoria as altered by the said Act of the twenty-ninth and thirtieth Victoria and by this Act, and the requirements of the said Act of the twenty-ninth and thirtieth Victoria as altered by this Act, and the requirements of this Act, so far as they respectively relate to the filing of a bill of sale, and to the affidavit to be filed therewith, and to the filing thereof, and to the renewal of

Certain pro-  
visions as to  
bills of sale  
to apply to  
statements.

A.D. 1875. registration, and to the book in which particulars of bills of sale are required to be entered, and to the entries to be made therein, and to office copies, and to fees, and to other things, if any, incident to the registration, shall apply to every such statement as if it were a bill of sale.

5

Parties for whose benefit Act is intended not to be estopped by the acts or omissions of the parties against whom it is directed.

15. No person against whom a bill of sale or other transaction is by the former Acts, or either of them, or this Act declared to be null and void, shall in any action or proceeding in which he contests the validity thereof as against himself, be estopped by any act or omission of any of the parties to such bill of sale or other transaction, from alleging or proving and relying on any matter, though the party to such act or omission would be estopped from alleging or proving or relying on the same.

10

Meanings of certain words used in this Act.

16. The word "mortgage" as used in this Act means both legal and equitable mortgages, and an agreement to mortgage:

15

And the word "sale" includes an agreement to sell:

And the words charge and security respectively include charges and securities both legal and equitable, and agreements to charge, and agreements to secure.

Exceptions from the Act.

17. This Act shall not apply to any sale made by any person in the ordinary course of his trade or business without any design to evade the former Acts or this Act.

20

Nor to the retention of goods by a vendor when they are retained under a lien for unpaid purchase money, and without any design to evade the former Acts, or this Act.

25

Nor to a sale, mortgage, or conveyance of any land, building, or corporeal tenement, with machinery or fixtures thereto annexed, so far as such sale, conveyance, or mortgage relates to such machinery or fixture, whether the estate sold, conveyed, or mortgaged be freehold, copyhold, or leasehold, nor to any document which by the seventh section of the said Act of the seventeenth and eighteenth Victoria is declared not to be included in the expression "bill of sale."

30

Short title.

18. This Act may be called the Bills of Sale Amendment Act, 1875, chapter , the number of the chapter given to this Act in the statutes printed by the Queen's printer being added after the word chapter.

35

Act not to extend to bills of sale executed in Scotland and Ireland,

19. This Act shall not extend to Scotland or Ireland, except in the case of a bill of sale, mortgage, charge, or security, or other transaction executed or effected in Scotland or Ireland by a person whose domicile is in England, so far as such bill of sale, mort-

40

gage, charge, or security, or other transaction affects property in England, and the non-extension of the said Act of the seventeenth and eighteenth Victoria to Scotland and Ireland shall be subject to the same exception.

A.D. 1875.

except so far  
as they relate  
to goods in  
England.

## 5

## SCHEDULE.

The following are the particulars required by the Bills of Sale Amendment Act, 38 & 39 Victoria, chapter (1)

- Name of grantor (2)
- His residence (2)
- 10 His occupation (2)
- Name of grantee (2)
- His residence (2)
- His occupation (2)
- Date of transaction (2)
- 15 The consideration (2)
- The property affected (2) (3)
- The place where the property is (2) (4)
- Goods of the grantor in (5) are liable to be seized or sold (6)
- Date of filing (2)

20 (1) Here insert the number of the chapter.

(2) Fill up these blanks truly according to the fact.

(3) Give a general description, such as household furniture or pictures, or farming stock, or stock in trade of a grocer, or the like. This clause as to the property affected is to be omitted when the case falls under the fourth section ; and,

25 (4) So also is this as to the place where the property is.

(5) Here state the house or place or address where the goods of the grantor may be seized ; but—

(6) This clause as to seizing or selling is only to be used where the fourth section applies.

# Bills of Sale Act Amendment.

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A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Act of the seventeenth and  
eighteenth Victoria, chapter thirty-  
six, relating to Bills of Sale.

(*Prepared and brought in by*  
*Mr. Lopes and Mr. Gregory.*)

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*Ordered, by The House of Commons, to be Printed,*  
*20 April 1875.*

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[Bill 130.]

*Under 2 oz.*



# Bishopric of Saint Albans Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title of Act.

### *Bishopric of Saint Albans.*

2. London house of Bishop of Winchester to be sold, and proceeds carried to Bishopric Endowment Fund.
3. Public contributions to be carried to Bishopric Endowment Fund.
4. Bishopric to be established on sufficient endowment being provided.
5. New constitution of diocese of Rochester, and alteration of dioceses of London and Winchester.
6. Additional endowment of bishopric of Saint Albans.
7. The number of bishops sitting in Parliament not to be increased.

### *Supplemental Provisions.*

8. Appointment of bishop of Saint Albans by Her Majesty.
9. Courts, officers, archdeaconries, and other incidental arrangements constituting the bishopric of Saint Albans to be provided by a scheme of the Ecclesiastical Commissioners, approved by Order in Council.
10. Validity of Order in Council.
11. Sale by Commissioners of Danbury.
12. Effect of conveyance of episcopal residences by Commissioners.
13. Trusts of Bishopric Endowment Fund.

### *Temporary Provisions.*

14. Provision as to existing Bishop of Rochester.

### *Saving Clauses and Repeal.*

15. Common fund of Commissioners not applicable to endowment.
16. Repeal of Acts.



A

## B I L L

TO

Amend the Acts relating to the Ecclesiastical Commissioners, A.D. 1875.  
and enable them to carry into effect a certain proposal for  
the re-arrangement of the Dioceses of London, Winchester,  
and Rochester, and the erection of a new Bishopric of  
Saint Albans.

WHEREAS, having regard to the great increase of population  
in the counties adjoining the metropolis both north and  
south of the Thames, and in particular in the county of Surrey, it  
is expedient to provide increased episcopal supervision in such  
5 counties, and with a view thereto an arrangement is proposed  
whereby a new bishopric, to be called the Bishopric of Saint Albans,  
will be formed to the north of the Thames, to consist of the  
counties of Hertford and Essex (which will be taken away from  
the diocese of Rochester), and more complete episcopal supervision  
10 will be secured to South London and the district situate to the  
south of the Thames, including a large part of the county of Surrey,  
by adding to the diocese of Rochester, in exchange for the counties  
to the north of the Thames so taken away as aforesaid, the several  
parishes in this Act hereafter specified, of which the greater  
15 portion form at the present time part of the diocese of Winchester :

And whereas the Bishop of Winchester, with a view to further  
such arrangement as aforesaid, and in particular to provide more  
complete episcopal supervision as aforesaid in South London and the  
district situated to the south of the Thames, has assented to the sale  
20 of the episcopal residence in London attached to the bishopric of  
Winchester, and to the application of the proceeds of such sale as  
a basis for an endowment of the bishopric of Saint Albans, and  
it is intended to make such further provision for the endowment of  
the said bishopric as is herein-after mentioned :

25 Be it therefore enacted by the Queen's most Excellent Majesty  
by and with the advice and consent of the Lords Spiritual and  
[Bill 95.]

A

A.D. 1875. Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

Short title  
of Act.

1. This Act may be cited for all purposes as the Bishopric of Saint Albans Act, 1875.

*Bishopric of Saint Albans.*

5

London  
house of  
Bishop of  
Winchester  
to be sold,  
and proceeds  
carried to  
Bishopric  
Endowment  
Fund.

2. The Ecclesiastical Commissioners for England (in this Act referred to as "the Commissioners") shall, as soon as may be after the passing of this Act, sell the episcopal residence attached to the bishopric of Winchester, and situate in the city of Westminster, and shall carry over the proceeds of such sale, after deducting the expenses thereof, to a fund to be called the Saint Albans Bishopric Endowment Fund. 10

Public con-  
tributions to  
be carried  
to Bishopric  
Endowment  
Fund.

3. The Commissioners shall receive all contributions which may be made by the public for the purposes of the endowment of the bishopric of Saint Albans, and carry the amount of such contribu- 15  
tions to the said Saint Albans Bishopric Endowment Fund.

Bishopric to  
be esta-  
blished on  
sufficient  
endowment  
being  
provided.

4. Whenever the Commissioners certify to Her Majesty under their seal that the Saint Albans Bishopric Endowment Fund amounts to a sum which (exclusive of the value of any episcopal residence which may have been provided, or any sum appropriated for the purpose of providing such episcopal residence,) produces a net income of not less than *two thousand pounds* a year, Her Majesty, by Order in Council, may found a new bishopric of Saint Albans, with a diocese consisting of the counties of Hertford and Essex, or of such parts thereof as to Her Majesty may seem meet, and may assign to such bishopric as a cathedral church the abbey church of Saint Albans, in the county of Hertford, but subject to the rights of the incumbent of such church, and may declare the time at which such Order founding such new bishopric is to come into operation. 20 25

Her Majesty, by the same or any other Order in Council, may constitute the bishop of Saint Albans a body corporate, and may invest such bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the Archbishop of Canterbury. 30 35

New con-  
stitution of  
diocese of  
Rochester,  
and altera-  
tion of  
dioceses of  
London and  
Winchester.

5. Her Majesty may by the Order in Council founding the bishopric of Saint Albans, or by any other Order in Council, to take effect at or after the time at which such first mentioned order comes into operation, transfer to the diocese of Rochester all such parishes situate wholly or partly in the parliamentary divisions of East Surrey and Mid Surrey as now form part of the diocese of 40



Winchester, also all such parishes situate in the county of Surrey as now form part of the diocese of London; and from and after such transfer the diocese of Rochester shall consist of the parishes so transferred and of the residue of the existing  
 5 diocese of Rochester, namely, the city and deanery of Rochester, and the parishes of Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, Saint Nicholas Deptford, and Saint Paul Deptford.

Her Majesty may in any such Order in Council as is mentioned  
 10 in this section make such modifications respecting the parishes so transferred as to Her Majesty may seem meet.

6. Subject to the rights of the persons who are at the time of the passing of this Act Bishops of Winchester and Rochester, there shall be transferred to the Saint Albans Bishopric Endowment Fund  
 15 such portion of the endowment or income of the bishopric of Winchester as will yield a net annual sum of *five hundred pounds*, and such portion of the endowment or income of the bishopric of Rochester as will yield a net annual sum of *five hundred pounds*.

7. The number of lords spiritual sitting and voting as lords of  
 20 Parliament shall not be increased by the foundation of the bishopric of Saint Albans, and whenever there is a vacancy among such lords spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the  
 25 see so avoided, and if such vacancy is caused by the avoidance of any see other than the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest appointed bishop of a see in England has not previously become entitled to such writ.

30 Provided that, where a bishop is translated from one see to another, and was at the date of his translation actually sitting as a lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

#### *Supplemental Provisions.*

35 8. So long as there is not a dean and chapter of Saint Albans Her Majesty may appoint the bishop of Saint Albans by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric  
 40 where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

A.D. 1875.

From and after the foundation of such dean and chapter a vacancy in the bishopric of Saint Albans shall be filled in the same manner as a vacancy in any other bishopric in England.

Courts,  
officers,  
archdea-  
conries, and  
other inci-  
dental ar-  
rangements  
constituting  
the bishopric  
of Saint  
Albans to be  
provided by  
a scheme of  
the Eccle-  
siastical Com-  
missioners,  
approved  
by Order in  
Council.

9. Whenever such certificate as is in this Act mentioned has been given by the Commissioners with respect to the net income produced by the Saint Albans Bishopric Endowment Fund, the Commissioners shall lay before Her Majesty a scheme—

- (1.) For assigning to the bishop of Saint Albans all or any such courts, officers, and jurisdiction belonging to any bishop in England, and not otherwise assigned by this Act, or any Order in Council made thereunder, as it may be thought expedient to assign, and for making provision for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities by the Archbishop of Canterbury during a vacancy in the see; and
- (2.) For making such arrangements as may be thought expedient by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric of Saint Albans, and by the alteration of the boundaries of the bishoprics of London, Winchester, and Rochester, with power on the next avoidance of the archdeaconry of Rochester and Saint Albans, and before such avoidance with the consent of the person who is now Archdeacon of Rochester and Saint Albans, to divide the archdeaconry of Rochester and Saint Albans; and
- (3.) For giving the bishop of each of the dioceses of London, Winchester, Rochester, and Saint Albans the patronage of every ecclesiastical dignity and benefice situate in his diocese the patronage of which ecclesiastical dignity or benefice is, at the date of the scheme being made, vested in the bishop of the diocese in which such dignity or benefice is then situate; and
- (4.) For transferring the portions of the endowments or income of the bishoprics of Winchester and Rochester directed by this Act to be transferred to the Saint Albans Bishopric Endowment Fund; and
- (5.) For enabling any existing archdeacon to reside in any place in which he is residing at the time of the passing of this Act, and for making such arrangements as to the officers of the said bishoprics as may seem to the Commissioners requisite to preclude any existing officer from

being prejudiced by this Act or any Order in Council made thereunder; and A.D. 1875.

(6.) For founding honorary canonries in the cathedral church of Saint Albans, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence at Saint Albans, and to provide that honorary canons in the cathedral church of Rochester who, upon the foundation of the bishopric of Saint Albans, may be holding benefices in the diocese of Saint Albans shall become honorary canons in the cathedral church of Saint Albans instead of being honorary canons in the cathedral church of Rochester; and

(7.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect this Act or any Order in Council made thereunder.

Any scheme made in pursuance of this Act shall be of no effect until it has been approved by order of Her Majesty in Council, but when so approved shall be published in the London Gazette.

A copy of any scheme made in pursuance of this section, and approved by order of Her Majesty in Council, shall be laid before both Houses of Parliament as soon as conveniently may be after such order is made, if Parliament be then sitting, or if Parliament be not then sitting within one week after the next meeting of Parliament.

10. Any order made by Her Majesty in Council in pursuance of or for the purposes of this Act, shall be of the same effect as if such order were enacted in this Act.

Validity of  
Order in  
Council.

11. At any time after the passing of this Act, the Commissioners may, with the consent of the Bishop of Rochester, sell the episcopal residence attached to the bishopric of Rochester, and situate in the parishes of Danbury and Sandon, in the county of Essex, and after the person who is Bishop of Rochester at the time of the passing of this Act ceases to be entitled to reside therein, may sell the same without such consent; the Commissioners shall in the first place out of the proceeds of such last-mentioned sale, after deducting the expenses thereof, provide, in the county of Surrey, a suitable episcopal residence for the Bishop of Rochester, and shall carry the surplus to the Saint Albans Bishopric Endowment Fund, with a view to providing within the diocese of Saint Albans a suitable episcopal residence for the Bishop of Saint Albans.

Sale by  
Commis-  
sioners of  
Danbury.

The expression "episcopal residence situate in the parishes of Danbury and Sandon" shall include any gardens, pleasure grounds, farms, and lands usually held or occupied with the said residence.



A.D. 1875.

Effect of  
conveyance  
of episcopal  
residences  
by Com-  
missioners.

**12.** The Commissioners may sell any episcopal residence or land by this Act authorised to be sold by them, with or without special conditions of title, or otherwise, as they may think fit, and they shall have power by any conveyance or instrument under their seal to vest in the purchaser all the estate and interest therein of the bishop of the bishopric to which it was attached and his successors, and any other estate and interest therein (if any) belonging to or held in trust for such bishopric. 5

Trusts of  
Bishopric  
Endowment  
Fund.

**13.** The Saint Albans Bishopric Endowment Fund shall be held by the Commissioners upon trust to provide a net annual income not exceeding *four thousand five hundred pounds* a year, and a residence for the Bishop of Saint Albans, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric of Saint Albans, in such manner as may be from time to time provided by order of Her Majesty in Council. 15

All annual income arising from the Saint Albans Bishopric Endowment Fund shall, until the bishopric of Saint Albans is founded, as provided by this Act, be invested and accumulated as part of the fund; but the Commissioners shall have full power to sell (discharged from all trusts), invest, manage, lease, and otherwise deal with the fund and the property in which it may for the time being be invested in such manner as they may deem most expedient for the purposes of their trust. The Commissioners may invest the whole or any part of the Saint Albans Bishopric Endowment Fund in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, with the consent of the Bishop of Saint Albans, for the time being, assign to such bishop and his successors as an endowment for the see, the lands so purchased, if convenient to be held by such see: Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand five hundred pounds. 25 30

The endowment of the bishopric of Saint Albans under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England. 35

#### *Temporary Provisions.*

Provision as  
to existing  
Bishop of  
Rochester.

**14.** If the person, who at the passing of this Act is the Bishop of Rochester, is translated to the bishopric of Saint Albans, he 40



- shall be entitled, so long as he continues Bishop of Saint Albans, to a writ of summons to sit in Parliament, and to the same rank and precedence in Parliament and elsewhere as if he had continued to be Bishop of Rochester; and he shall be entitled, so long as
- 5 he continues Bishop of Saint Albans, to reside at the episcopal residence of Danbury (until sold with his consent), and to receive out of the revenue of the bishopric of Rochester such annual sum as will, together with the revenue of the bishopric of Saint Albans, make up his net annual income to the same amount as that which
- 10 he received as Bishop of Rochester; and if he resigns the bishopric of Saint Albans, in pursuance of the Bishops Resignation Act, 1869, and thus becomes entitled under that Act to a retiring allowance of two thousand pounds, and at the date of such resignation was receiving any annual sum out of the revenues of the bishopric of
- 15 Rochester, such retiring allowance shall be paid partly out of the revenue of the bishopric of Rochester and partly out of the revenue of the bishopric of Saint Albans, and the amount of the portion so to be paid out of the revenue of the bishopric of Rochester shall bear the same proportion to the amount payable out of
- 20 the revenue of the bishopric of Saint Albans as the annual income which he was receiving at the time of his resignation out of the revenue of the bishopric of Rochester bore to the annual income which he was receiving out of the revenue of the bishopric of Saint Albans.
- 25 Provided that if during the payment of any such retiring allowance as aforesaid to any bishop an augmentation is made in the revenue of the bishopric of Saint Albans, a proportionate increase shall be made in the quota payable towards such allowance out of the revenue of the bishopric of Saint Albans, and a corre-
- 30 sponding reduction shall be made in the quota payable out of the revenue of the bishopric of Rochester.

A.D. 1875.

32 & 33 Vict.  
c. 111.*Saving Clauses and Repeal.*

15. Nothing in this Act shall authorise the Commissioners to apply any portion of their common fund towards the endowment
- 35 of the bishopric of Saint Albans, or of the dean and chapter of such bishopric.

Common  
fund of  
Commis-  
sioners not  
applicable to  
endowment.

16. There shall be repealed, from and after the date of the passing of this Act, any enactment of any Act of Parliament inconsistent therewith, and from and after the date at which any order of Her
- 40 Majesty in Council made in pursuance of or for the purposes of this Act comes into operation, any enactment of any Act of Parliament inconsistent with such Order in Council.

Repeal of  
Acts.

# Bishopric of Saint Albans.

A

## B I L L

To amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans.

*(Prepared and brought in by  
Mr. Secretary Cross, Mr. Chancellor of the  
Exchequer, and Sir Henry Selwin-Ibbetson.)*

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*Ordered, by The House of Commons, to be Printed,  
12 March 1875.*

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[Bill 95.]

*Under 2 *os.**

A  
B I L L

FOR

Making perpetual the Bishops Resignation Act, 1869.

A.D. 1875.

WHEREAS by section sixteen of the Bishops Resignation Act, 1869, it is enacted that that Act shall remain in force for two years, and further until the end of the then next ensuing Session of Parliament: 32 & 33 Vict.  
c. 111.

5 And whereas the said Act was continued for three years from the end of the session of Parliament in the year one thousand eight hundred and seventy-two, and if Parliament should be then in session until the end of that session:

And whereas it is expedient that the said Act should be made perpetual:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 1. Section sixteen of the Bishops Resignation Act, 1869, is hereby repealed, and that Act shall be perpetual. Perpetuation  
of 32 & 33  
Vict. c. 111.







**Bishops Resignation Act,  
(1869) Perpetuation.**

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A

**B I L L**

For making perpetual the Bishops  
Resignation Act, 1869.

*(Prepared and brought in by  
Sir Henry Selwyn-Ibbetson and  
Mr. Secretary Cross.)*

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*Ordered, by The House of Commons, to be Printed,  
16 April 1875.*

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[Bill 124.]

*Under 1 oz.*

# Borough Franchise (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

Preamble.

1. Short title of Act.
2. Repeal of present occupation franchise.
3. New franchise.
4. Occupier to be rated.
5. Poor rates deemed to be payable by actual occupier when rates made.
6. Immediate lessor still liable.
7. Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent.
8. Constructive payment of the rate.
9. Rate when unpaid to be demanded from occupiers.
10. Recovery of rates unpaid by the owner.
11. Provisions as to registration to continue in force.
12. Supplemental lists of new voters for the next year to be made out.
13. Special revisional supplemental lists.
14. Rating not necessary if no rate made before the passing of the Act for revision of 1874.
15. Repeal of clause 14., 31 & 32 Vict. c. 49.
16. List of town clerk proof that claim is duly made.
17. Acts to be read with this Act.

SCHEDULES.

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A

## B I L L

TO

Assimilate the Borough Franchise in Ireland to that in England. A.D. 1875.

**W**HEREAS the people of Ireland are of ancient right entitled to enjoy the same franchises and privileges as are enjoyed by the people of England, and it is just and expedient to remove the inequalities at present existing in respect of the parliamentary franchise in the towns, cities, and boroughs of the two countries, and to extend to the towns, cities, and boroughs in Ireland the same electoral rights as exist in England: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may upon all occasions and for all purposes be cited as "The Borough Franchise (Ireland) Act, 1875." Short title of Act.

2. *From and after the first day of January next* the third clause of "The Representation of the People (Ireland) Act, 1868," shall be and the same is hereby repealed; and from and after the same day there shall also be repealed the fifth section of an Act passed in the fourteenth year of Her Majesty the now Queen, intituled "An Act to amend the laws which regulate the qualification and registration of parliamentary voters in Ireland, and to alter the law for making immediate lessors of premises to the poor rate in certain boroughs;" but such repeal shall not affect the validity of any register of voters which shall be in force on that day, and the same shall continue in full force and effect as if this Act had not been passed. Repeal of present occupation franchise.

3. In lieu and stead of the qualification mentioned in the clauses so repealed, the following provisions shall be in force from and after the said day: New franchise. 30 & 31 Vict. c. 102. s. 3.

In addition to those now qualified by law to register and vote at any election of a Member or Members to serve in Parliament

[Bill 28.]

A

A.D. 1875. for any city, town, or borough in Ireland, either as freemen or burgesses, or by virtue of any qualification not requiring occupation, the following persons shall be qualified to be registered voters, and when registered to vote; that is to say,

Every person who is of full age and not subject to any legal incapacity:

And who is on the twentieth day of July in any year, and has during the whole of the preceding twelve calendar months been an inhabitant occupier as owner or tenant of any dwelling-house within the said city, town, or borough: 10

And has during the time of such occupation been rated as occupier in respect of the premises so occupied by him to all rates, if any, made for the relief of the poor in respect of such premises:

And has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the premises previously to the preceding first day of January: 15

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being the joint occupier of any dwelling-house. 20

Occupier to be rated.  
32 & 33 Vict.  
c. 41, s. 19.

4. In making out any poor rate after the passing of this Act, in respect of any premises situate wholly or in part within the parliamentary limits of any city, town, or borough returning a Member or Members to Parliament, the guardians of the poor, or other person or persons making out the said rate, shall enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, whether the rate is collected from or payable by the owner or occupier, and such occupier shall be deemed to be duly rated for purpose of the qualifications created by this Act; and if any clerk of the union, or other person actually charged with the making out of the rate, negligently or wilfully or without reasonable cause omits the name of any occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such clerk or other person shall, for every such omission or misstatement, be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the chairman of the county at suit of the occupier of the premises in relation to which such omission or misstatement shall have taken place: Provided that any occupier whose name shall be so omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted. 25 30 35 40

5. For the purposes of this Act all poor rates assessed upon any one in respect of any premises situated wholly or in part within the limits of any city, town, or borough returning a Member or Members to Parliament shall be deemed to be payable by the person who was or shall be the actual occupier of the premises at the time when such rates became or shall become payable, and may as to every such occupier be enforced as herein-after provided; but no rates accruing due in respect of any premises before the commencement of his occupation shall be deemed payable by such occupier.

A.D. 1875.

Poor rates deemed to be payable by actual occupier when rates made.

6. Whenever the immediate lessor of any premises is now by law liable to be rated and to pay the poor rate in respect of such premises, such liability shall continue in full force and effect, anything herein contained to the contrary notwithstanding, and all such rates may be recovered from and enforced against him in the same manner as if this Act had not been passed.

Immediate lessor still liable.

7. When any owner who is liable to pay the poor rate in respect of any premises situate within any city, town, or borough, returning a Member or Members to Parliament omits or neglects to pay before the *first day of June* any rate which became due before the first day of the preceding January, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent.  
32 & 33 Vict. c. 41. s. 8.

8. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated or is liable to pay the same or has agreed with the occupier to pay it, shall be deemed a payment of the rate by the occupier for the purpose of any qualification which as regards rating depends upon the payment of the poor rate.

Constructive payment of the rate.  
32 & 33 Vict. c. 41. s. 7.

9. Where any poor rate due previously to the first day of January in respect of any premises situate in any city, town, or borough returning a Member or Members to Parliament shall be unpaid on the first day of June following, the collector of poor rate or other person whose duty it is to collect such rate shall on or before the twentieth day of June, unless such rate has been previously paid, give or cause to be given to the occupier a demand note in the form in the schedule to this Act annexed. The demand note shall be deemed to be duly given if delivered to the occupier or lessee or with some person at the premises in respect of which the rate is payable. Any collector or other person who shall negligently or wilfully

Rate when unpaid to be demanded from occupiers.  
30 & 31 Vict. c. 102. s. 28.



A.D. 1875. omit to give such demand note shall be deemed guilty of a breach of duty in the execution of this Act.

Recovery of  
rates unpaid  
by the owner.  
32 & 33 Vict.  
c. 41. s. 12.

**10.** Notwithstanding the owner shall be rated as immediate lessor of any premises or otherwise become liable for the poor rate assessed thereon the goods and chattels of the occupier shall be liable to be distrained and sold for payment of such rates as may accrue during his occupation of the premises, subject to the following provisions: 5

No such distress shall be levied unless the demand authorised by the preceding section has been duly made upon the occupier, and the occupier has failed to pay the same for a space of fourteen days after such demand. 10

No greater sum shall be raised by such distress than shall, at the time of making such distress, be actually due from the occupier for rent of the premises on which the distress is made. 15

The occupier shall be entitled to deduct the amount of rates for which the distress is made, and the amount of the costs of the distress from the rent due or accruing to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid. 20

Every such distress shall, as between the owner liable to pay the rates and the occupier, be deemed to be caused and occasioned by the wrongful act and default of the owner, and such owner shall make good to the occupier any damage or loss which he shall sustain by reason of same. 25

Provisions as  
to registra-  
tion to con-  
tinue in  
force.

**11.** All the provisions of any statute which are now in force relating to the preparation and publishing of any lists of voters or persons claiming to vote in any city, town, or borough, or relating to the revision of such lists, or the service of objections or claims, or in anywise relating to the registration of voters in any city, town, or borough, shall be and continue to be in full force and effect as if this Act had not been passed, save only that all such lists shall be prepared and revised, and all such proceedings had, as if the qualifications herein-before defined had been substituted for the qualifications enacted by the third section of "The Representation of the People (Ireland) Act, 1868." 30 35

Supplemen-  
tal lists of  
new voters  
of the next  
year to be  
made out.

**12.** And whereas it is expedient that opportunity should be given to persons for the first time entitled to the franchise under this Act of being placed on the register for the ensuing year:

Be it enacted that in every city, town, and borough returning a Member or Members to Parliament, there shall be prepared, in manner herein-after mentioned, a supplemental list of voters for the 40



next ensuing year, and a special registration sessions for the purpose of revising such list shall be held in manner herein-after provided. A.D. 1875.

Such supplemental list of voters shall be prepared and revised in the manner herein-after prescribed; that is to say,

- 5 It shall be lawful for any person who on the twentieth day of July in this present year shall have occupied any dwelling-house in the said city, town, or borough rated in the then last rate for the relief of the poor at an amount not exceeding four pounds, to serve a notice of claim on the town clerk in the form contained in the  
10 schedule to this Act annexed; on or before the first day of December next.

- The town clerk shall include the names of all persons so claiming in a list to be made out, signed, printed, and published in the same manner as the lists of claimants at any ordinary registration are  
15 now required to be made out, signed, printed, and published, and all the provisions now in force as to any list of claimants at such ordinary registration, and the mode of dealing with same, and the making of objections to any claimant, and the publication of the lists of persons objected to, and the revising of the lists of claimants,  
20 and all other provisions in anywise relating thereto, shall, unless where they are herein expressly altered, be applicable to the supplemental list of claimants under this Act, subject to the following special provisions :

- The list of claimants shall be published on or before the eighth  
25 of December.

Notice of objection shall be given to the claimant and the town clerk on or before the twentieth of December.

The list of persons objected to shall be published on or before the twenty-second day of December.

- 30 No person shall be entitled to object to any claimant except a person whose name shall be on the registry of voters then in force, or on that to come into force for the then next ensuing year.

- It shall be a sufficient cause of objection to any claimant that the premises in respect of which he claims were on the twentieth  
35 day of July rated at a value exceeding four pounds.

- No person shall be objected to on the ground that he had not been rated in respect of the dwelling-house out of which he claims to be qualified, but every person who on the twentieth day of July shall have been in occupation of such dwelling, and shall  
40 have occupied same for twelve full calendar months immediately preceding, shall be deemed, with reference to the special registration herein provided, to be qualified under this Act, although he is not rated in respect of same.

A.D. 1875.

Special re-  
visional  
supplemental  
lists.

**13.** The chairman or other person or persons whose duty it is to revise the lists of voters for any city, town, or borough shall hold a special registration sessions on some day in the month of January, of which not less than ten days notice shall be given, and shall at such special sessions proceed to revise the said supplemental list 5 of claimants in the same manner as lists of claimants at ordinary registrations are revised.

The list of claimants when so revised shall be signed by the chairman or other person or persons authorised to revise the same, and shall be handed by him or them to the clerk of the peace acting 10 for such said city, town, or borough, and such list shall be called the supplemental list of voters and all persons whose names appear upon such list shall be entitled to vote at any election thereafter taking place, in the same manner and during the same period as if their names had appeared upon the list of voters revised at the 15 last ordinary registration for such city, town, or borough.

All the proceedings at such special registration shall be conducted in the same manner in all respects, and be subject to the same rules in respect of appeal and otherwise, as are provided by the statutes now in force in respect of the ordinary registration of voters for 20 any city, town, or borough.

Rating not  
necessary if  
no rate made  
before the  
passing of  
the Act for  
revision of  
1874.

30 & 31 Vict.  
c. 102. s. 8.

**14.** At any registration which shall take place for any city, town, or borough in or during the year one thousand eight hundred and seventy-four, it shall not be necessary for any person or owner to be qualified as a voter and entitled to be registered to have been rated 25 to any rate made before the passing of this Act, but it shall be sufficient if he actually occupies the dwelling-house at the time such rate was made, although another person was rated in respect of same.

Repeal of  
clause 14,  
31 & 32 Vict.  
c. 49.

**15.** From and after the passing of this Act the fourteenth section 30 of the Representation of the People (Ireland) Act shall be and the same is hereby repealed.

List of town  
clerk, proof  
that claim is  
duly made.

**16.** At any registration, ordinary or special, held for any city, town, or borough after the passing of this Act the appearance of the name of any person upon any list of claimants published by the 35 town clerk shall be taken as *prima facie* proof that the claim set forth in such list was duly made by the claimant, and every claim purporting to be made on behalf of any person to be registered as a voter shall be deemed to be made by him or his authority unless and until such person shall disclaim the same. 40

Acts to be  
read with  
this Act.

**17.** This Act and the Representation of the People (Ireland) Act, 1868, and the herein-before recited Act of the fourteenth year of Her Majesty shall be read together as one Act.

## SCHEDULES.

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### SCHEDULE A.

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#### FORM OF DEMAND OF RATES.

SIR,

5 I HEREBY demand from you payment of the sum of £  
being the amount of poor rate due and payable in respect of the premises you  
occupy since the [*day on which rate became due*].

If you do not pay this amount to me or my office before the twentieth day of  
July you will be deprived of your right to vote or be registered as a voter for

10 [*name the city, town, or borough*].

If your landlord is bound to pay this rate you are at liberty to pay it to me  
and deduct the amount from your next payment of rent. My receipt must be  
accepted by him as a discharge of so much of your rent.

(Signed) *T.B.*,

15 To *A.B.*,  
Collector of Poor Rate.

Occupier of the premises [*describe them*].

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### SCHEDULE B.

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#### FORM OF CLAIM.

SIR,

20 I HEREBY claim to have my name inserted on the supplemental list of  
voters for the [*city, town, or borough*] for the ensuing year.

I do so as having on the twentieth of July last, and for twelve months pre-  
viously, occupied a dwelling-house in the said [*place*] situate at [*describe*  
*premises particularly by the number and street*].

25 *A.B.*,  
of [*residence*].

To the town clerk of

# Borough Franchise (Ireland).

---

A

## B I L L

To assimilate the Borough Franchise in  
Ireland to that in England.

(*Prepared and brought in by*  
*Sir Joseph McKenna, Mr. Butt, and Mr. Bryan.*)

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*Ordered, by The House of Commons, to be Printed,*  
*8 February 1875.*

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[Bill 28.]

*Under 2 oz.*



## A

## B I L L

## TO

Amend an Act passed in the Session of Parliament held A.D. 1875.  
 in the Thirtieth and Thirty-first Years of the Reign of Her  
 present Majesty, intituled “An Act to afford further  
 “Facilities for the Erection of certain Bridges in Ireland.”

**W**HEREAS an Act was passed in the session of Parliament  
 holden in the fourth and fifth year of the reign of His late  
 Majesty King William the Fourth, intituled “An Act for the 4 & 5 W. 4.  
c. 61.  
 more effectually providing for the erection of certain bridges in  
 5 Ireland,” which Act was amended by another Act passed in the  
 session of Parliament holden in the second and third years of the  
 reign of Her present Majesty, intituled “An Act to extend and 2 & 3 Vict.  
c. 50.  
 “amend the provisions of the Acts for the extension and promotion  
 “of public works in Ireland, and for the recovery of public monies  
 10 “advanced for the use of counties, parishes, and other districts in  
 “Ireland, on the faith of grand jury presentments and parochial  
 “assessments,” and under the provisions of the said Acts, grand  
 juries of counties were empowered to co-operate for making and im-  
 proving bridges situate between such counties:  
 15 And whereas by an Act passed in the session of Parliament held  
 in the thirtieth and thirty-first years of the reign of Her present  
 Majesty, chapter fifty, the said Acts were amended and facilities  
 were afforded for the purchase or taking of any property in any  
 bridge or ferry, or in the tolls thereof, which might be necessary  
 20 for the purposes of the said Acts, and for making presentment  
 for the monies requisite therefor:

And whereas by section twenty-six of the said last-mentioned Act,  
 after reciting that “in cases where a bridge or ferry is situate  
 “wholly within the limits of a county or county of a city, it is  
 25 “expedient to enable the grand jury of any neighbouring county  
 “or county of a city to co-operate with the grand jury of any such

[Bill 226.]

A.D. 1875.

“ first-mentioned county or county of a city for any of the purposes of the recited Acts and of this Act,” it was enacted “ that it shall be lawful for the grand jury of such neighbouring county or county of a city, upon and after application made and approved at presentment sessions for the county at large to consent to co- 5 operate with the grand jury of any such first-named county or county of a city for the purposes aforesaid, and to signify such consent by a resolution entered on the record of its proceedings, and thereupon all the provisions of the recited Acts and of this Act shall extend and be applicable in like manner as if the said 10 bridge or ferry were situate between the said counties, and all acts and proceedings by the said Acts and this Act provided shall and may be done, had, and taken accordingly : ”

And whereas it is expedient further to extend the provisions of the said section and to make the same applicable to the erection of 15 bridges wholly within the limits of any one county or county of a city or county of a town :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 20 by the authority of the same, as follows :

Co-operation  
of grand  
juries for  
building  
bridges  
wholly  
within one  
county.

1. In cases where it is proposed to erect a bridge wholly within the limits of any one county, it shall be lawful for the grand jury of any neighbouring county, upon and after application made and approved at presentment sessions for the county at large to consent 25 to co-operate with the grand jury of any such first-named county, for the purposes of the herein-before recited Acts, and to signify such consent by a resolution entered on the record of its proceedings ; and thereupon all the provisions of the herein-before recited Acts shall extend and be applicable in like manner as if such bridge was pro- 30 posed to be erected over a river forming the boundary between the said counties, and all acts and proceedings by the herein-before recited Acts provided shall and may be done, had, and taken accordingly.

The term “ county ” in this section shall include county of a city 35 and county of a town.

Short title.

2. This Act may be cited for all purposes as “ The Bridges (Ireland) Act, 1875.”



A

## B I L L

To amend an Act passed in the Session of Parliament held in the Thirtieth and Thirty-first Years of the Reign of Her present Majesty, intituled  
“ An Act to afford further Facilities  
“ for the Erection of certain Bridges  
“ in Ireland.”

(Prepared and brought in by  
Sir Michael Hicks-Beach and Mr. Solicitor-  
General for Ireland.)

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*Ordered, by The House of Commons, to be Printed,  
28 June 1875.*

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[Bill 226.]

Under 1 oz.



A  
B I L L

TO

Repeal section eight of the Building Societies Act, 1874, and A.D. 1875.  
make other provision in lieu thereof.

WHEREAS by the Building Societies Act, 1874, the Act of the session of the sixth and seventh years of the reign of his late Majesty King William the Fourth, chapter thirty-two, intituled “An Act for the regulation of benefit building societies,” was  
5 repealed, and by section eight of the said Building Societies Act, 1874, it was enacted as follows :

“Every society, the rules of which have been certified under the  
“said repealed Act, shall be deemed to be a society under this Act,  
“and may obtain a certificate of incorporation under this Act, and  
10 “thereupon its rules shall, so far as the same are not contrary to  
“any express provisions of this Act, continue in force until altered  
“or rescinded as herein-after mentioned :”

And whereas the words in the said section, whereby existing societies not having a certificate of incorporation are deemed to be  
15 societies under the Building Societies Act, 1874, were inserted through inadvertence :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and  
20 by the authority of the same, as follows :

1. Section eight of the Building Societies Act, 1874, is hereby repealed as from the date of the passing of such last-mentioned Act :  
Provided that such repeal shall not affect anything duly done or  
25 suffered in pursuance of such section before the date of the passing of this Act.

Repeal of  
s. 8. of  
37 & 38 Vict.  
c. 42.

2. From and after the passing of this Act every society, the rules of which have been certified under the said Act of the session of the sixth and seventh years of the reign of his late Majesty King William the Fourth, chapter thirty-two, intituled “An Act for the  
30 “regulation of benefit building societies,” may obtain a certificate of incorporation under the Building Societies Act, 1874, and thereupon shall be deemed to be a society under that Act ; and its rules

Substitution  
of clause  
for s. 8. of  
37 & 38 Vict.  
c. 42.

[Bill 72.]

A.D. 1875. shall, so far as the same are not contrary to any express provisions of that Act, continue in force until altered or rescinded as in that Act mentioned.

Short title.      **3.** This Act may be cited as the Building Societies Act, 1875. .



# Building Societies Act (1874) Amendment.

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A

## B I L L

To repeal section eight of the Building Societies Act, 1874, and make other provision in lieu thereof.

*(Prepared and brought in by  
Sir Henry Selous-Ibbetson and  
Mr. Secretary Cross).*

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*Ordered, by The House of Commons, to be Printed,  
22 February 1875.*

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[Bill 72.]

*Under 1 o.s.*



# Burghs and Populous Places (Scotland) Gas Supply (No. 2) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
2. Application of Act.
3. Interpretation of terms.

### I.—*Adoption of the Act.*

4. Town council or commissioners of police may resolve that this Act shall be adopted, and cause such resolution to be published.
5. If resolution approved, this Act to be adopted, and minute to be registered in sheriff court books.

### II.—*Incorporation of Acts.*

6. Incorporation of Acts.

### III.—*Proceedings of the Commissioners.*

7. Authority for executing Act.
8. Power to commissioners to appoint committee.
9. Meetings of committee.
10. Vacancies not to invalidate acts of commissioners.
11. Minutes of proceedings.
12. Contract for supply of gas not to disqualify commissioners.
13. Payment of rates not to disqualify any judge.
14. Books and accounts to be kept.
15. Auditor to be appointed.
16. Accounts to be balanced.

### IV.—*General Powers and Obligations of Commissioners.*

17. Commissioners may erect gasworks and supply public and private lights.

## Clauses.

18. Commissioners may purchase gasworks.
19. Commissioners to discharge debts of company, and undertaking of company to vest in commissioners.
20. Act equivalent to general conveyance of lands.
21. Annuities to vest in shareholders of company, subject to provisos.
22. Actions not to abate.
23. Company to cease to supply gas.
24. Ultimate dissolution of company.

*V.—Borrowing Powers of Commissioners.*

25. Power to borrow on mortgage.
26. Form of mortgage.
27. Mortgages may be accompanied with interest warrants.
28. Commissioners may borrow on credit of a cash account.
29. Manner in which mortgages and orders on bank account to be signed and executed.
30. Arrears may be enforced by appointment of a judicial factor.
31. Power and duties of judicial factor.
32. Mortgages to be personal estate.
33. Discharge of mortgages.
34. Providing for regular payment of annuities.
35. Application of money borrowed.
36. Guarantee rate.
37. Assessment and levy of rate.
38. Sinking fund.

*VI.—General Provisions.*

39. Commissioners to fix rates for gas.
40. Dispensing with notice as to interference with streets.
41. Obligation of commissioners as to supply.
42. Gas pipes may be put in buildings.
43. Gas to be consumed by meter.
44. Notice to commissioners putting up or removing meters.
45. Repair of meters.

Clauses.

46. Power to commissioners to let meters.
47. Register of gas meter to be primâ facie evidence.
48. Power to remove meters and fittings.
49. Fraudulently injuring meters, &c.
50. For preventing frauds and waste of gas.
51. Quality of gas.
52. Commissioners to maintain apparatus to test illuminating power of gas.
53. Provision for testing quality of gas.
54. Costs of experiment to be paid according to the event.
55. Recovery of sums owing to commissioners.
56. Recovery of penalties.

SCHEDULES.





# A B I L L

TO

Make provision for lighting Burghs and Populous Places in Scotland with Gas.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5     1. This Act may be cited as “The Burghs Gas Supply (Scotland) Short title.  
Act, 1875.”

2. This Act shall not apply to any burgh the town council or police commissioners of which have, at the date of the passing of this Act, power under any Act of Parliament to manufacture and supply gas.

**3.** The following expressions in this Act have the meanings hereby assigned to them; that is to say,

Interpreta-  
tion of terms.

“Burgh” means and includes every burgh and place having town councillors or commissioners of police elected under any of the following Acts; that is to say, the Act of the third and fourth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to alter and amend the Laws for the Election of Magistrates and Councillors of the Royal Burghs in Scotland;” or the Act of the third and fourth years of the reign of King William the Fourth, chapter seventy-seven, intituled “An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs;” or the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled “An Act to make more effectual provision for regulating the Police of Towns and Populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving [Bill 104.] A

A

A.D. 1875.

“ the same ;” or “ The General Police and Improvement (Scotland) Act, 1862 ” :

“ Commissioners ” means the authority for executing this Act in any burgh in which the same shall be adopted :

“ Elector ” means any person entitled to vote in the election of 5 town councillors or police commissioners in any burgh or any ward thereof :

“ Lands and heritages ” has the same meaning in this Act as in the Act of the seventeenth and eighteenth year of the reign of Her present Majesty, chapter ninety-one, intituled “ An Act 10 for the valuation of lands and heritages in Scotland ” :

“ Company ” means any person or gas company carrying on the manufacture and distribution of gas in or near a burgh :

“ Shareholder ” means shareholder or holder of stock of any gas company whose works may be acquired by the commissioners 15 of any burgh under the provisions of this Act :

“ Annuity ” means any annuity payable under this Act :

“ Annuitant ” means any person entitled to and holding an annuity payable under the provisions of this Act :

“ Sheriff ” includes sheriff substitute :

20

“ Clerk,” “ treasurer,” and “ collector ” mean the clerk, treasurer, and collector respectively who may be appointed by the commissioners of any burgh which shall adopt the provisions of this Act.

#### I.—*Adoption of the Act.*

25

Town council or commissioners of police may resolve that this Act shall be adopted, and cause such resolution to be published.

4. It shall be lawful for the town council in any burgh in which there is a town council, and for the commissioners of police in any other burgh, by a majority of the members who are present at a meeting of such town council or commissioners specially called for the purpose, to resolve that this Act shall be adopted in and applied 30 to the burgh, and to appoint a day not earlier than the third and not later than the thirtieth lawful day after the completion of the then next ensuing annual election of councillors or commissioners of police, as the case may be, for the burgh, for holding a second special meeting to resume consideration of such resolution; and a 35 copy of any minute containing such resolution and appointment shall be inserted once in each newspaper published in the burgh one month at least before such next annual election; and if there be no newspaper published in the burgh, a copy of such minute shall be delivered or transmitted through the post office to each 40 elector and to the sheriff clerk and clerk of the peace of the county within which the burgh is situated, and shall be inserted

once in a newspaper published in such county, or in an adjoining county, one month at least before such next annual election. A.D. 1875.

5 5. It shall be lawful for the town council or commissioners of police, as in the preceding section mentioned, at such second special meeting or at any adjourned special meeting, (of which adjourned meeting four days notice in writing shall be given to each member of the council or commissioner of police, as the case may be,) on resuming consideration of such resolution, either to approve or dis-approve the same; and if such resolution shall be approved by a 10 majority of *two thirds* at least of the members of the council or commissioners of police, as the case may be, who are present at such second special meeting or at such adjourned meeting, this Act shall thereupon be held as adopted in the burgh; and a copy of the minute of the meeting at which such resolution shall be so approved 15 shall, within fourteen days thereafter, be registered in the sheriff court books of the county in which the burgh is situated; and the provisions of this Act shall be in force from and after such registration, the date of which shall be held as the date of the adoption of this Act.

If resolution approved, this Act to be adopted, and minute to be registered in sheriff court books.

20 II.—*Incorporation of Acts.*

6. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts (1845) Amendment Act, 1860," shall, except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, be 25 incorporated with and form part of this Act.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall, except sections eighty-four and eighty-five, and except where expressly varied by this Act, be incorporated with this Act, and 30 applied to the money borrowed and mortgages granted under the powers of this Act.

Part of 10 & 11 Vict. c. 16. incorporated.

"The Gasworks Clauses Act, 1847," except the clauses thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, shall, 35 except where the same are at variance with the provisions of this Act, be incorporated with and form part of this Act.

10 & 11 Vict. c. 15. incorporated.

The several words and expressions to which by the Acts partially incorporated with this Act meanings are assigned, shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, 40 that in the Acts partially incorporated with this Act and also in this Act the expressions "the undertakers" and "the commissioners"



A.D. 1875. shall mean the commissioners acting in the execution of this Act ;  
 — “the undertaking” shall mean the gasworks, business, property heritable and movable, plant, pipes, meters, and other assets of any company to be purchased by and vested in the commissioners under the provisions of this Act ; and the word “street” shall mean and 5 include street, highway, quay, wharf, bridge, railway crossing, bridleway, footway, carriageway, side pavement, turnpike, statute labour, or other road, thoroughfare, lane, passage, square, court, or place within any burgh brought under the provisions of this Act.

### III.—*The Commissioners ; their proceedings.*

10

Authority  
for executing  
Act.

7. The commissioners for executing this Act in any burgh in which the same shall be adopted shall be,—

- (1.) In any burgh having a town council, the town council ;
- (2.) In any other burgh, the commissioners of police.

Power to  
commis-  
sioners to  
appoint com-  
mittee.

8. The commissioners may from time to time appoint a com- 15 mittee of their number (to be called “the gas committee”) for the execution of any of the purposes of this Act, and may appoint a convener of such committee, and may from time to time remove any member of such committee, and appoint another commissioner in his room, and may delegate to any such committee such of the powers 20 and authorities of the commissioners as the commissioners think fit ; and where such powers and authorities are not specially limited and defined by the commissioners, every such committee shall have and may exercise all powers and authorities necessary to enable them to transact the business committed to them ; and the acts and proceed- 25 ings of any such committee within the limits of such delegation shall be deemed the acts and proceedings of the commissioners ; and the quorum of any such committee shall, unless where otherwise declared, be three, and the convener thereof shall be chairman ; and the commissioners may from time to time make such regulations as 30 they think fit for the guidance of any such committee.

Meetings of  
committee.

9. Every committee appointed by the commissioners may meet from time to time and may adjourn from place to place as they think proper for carrying into effect the purposes of their appointment ; and at all meetings of the committee one of the members present 35 shall, in the absence of the convener, be appointed chairman ; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

40



A.D. 1875.

10. No proceeding of the commissioners or of any committee shall be invalidated or be illegal in consequence of there being any vacancy or vacancies in the number of commissioners at the time of such proceeding.

Vacancies  
not to in-  
validate acts  
of commis-  
sioners.

5 11. The commissioners shall cause entries of the proceedings of the commissioners, and of every committee appointed by them, with the names of the commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, under the superintendence  
10 of the commissioners; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place; and such entry so signed, or a copy thereof certified by the clerk, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly con-  
15 vened or held, or of the persons attending such meeting having been or being commissioners or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all  
20 reasonable times be open to the inspection of any of the commissioners, or of any mortgagee of the property of the commissioners, or of any annuitant.

Minutes of  
proceedings.

12. No person shall be disqualified from being, continuing, or acting as a commissioner by reason of his being concerned in any  
25 contract entered into with the commissioners for the supply of gas, or of his being a mortgagee of the commissioners or an annuitant.

Contract for  
supply of gas  
not to dis-  
qualify com-  
missioners.

13. No person liable under this Act in payment of rates or other consideration in respect of a supply of gas shall on that account, or on account of being a commissioner, be disqualified from acting  
30 as a justice of peace or sheriff, or exercising any judicial or other function in the carrying out of this Act.

Payment of  
rates not to  
disqualify  
any judge.

14. The treasurer shall keep separate and distinct books and accounts altogether apart from and unconnected with the other  
accounts and books of the commissioners, and such books and  
35 accounts shall contain a full and accurate record of all moneys received and paid by the treasurer or the servants of the commissioners under the powers and provisions of this Act.

Books and  
accounts to  
be kept.

15. On or before the first day of May in every year after this Act shall be adopted by a burgh, the sheriff shall, on the appli-  
40 cation of the commissioners or of any three annuitants, appoint for the financial year then current an auditor (being a person well skilled in accounts and not being a commissioner) to audit the

Auditor to  
be appointed.

A.D. 1875. accounts of the commissioners; and such auditor shall continue in office until superseded by the appointment of another, and shall be allowed such reasonable remuneration as shall be fixed by the sheriff; and in case in any year the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the sheriff, on the application of the commissioners, or of any three annuitants, shall from time to time appoint an auditor to supply such vacancy; and the whole books, accounts, vouchers, and documents of the commissioners in relation to their undertaking shall be laid before the auditor for the purpose of such audit.

Accounts to be balanced.

16. The accounts to be kept by the treasurer shall be brought to a balance on the fifteenth day of May in each year for the year immediately preceding, and shall be audited within thirty days thereafter, and shall be submitted along with the auditor's report to a general meeting of the commissioners, which shall be held upon the second Monday of July annually, at which meeting the accounts shall be examined, and an abstract statement and account, authenticated by the docket and subscription of the chairman of the meeting and the clerk, shall be printed, and a copy of such abstract, statement, and account shall be inserted once in each newspaper published in the burgh within ten days of the date of such general meeting, or if there be no newspaper published in the burgh, a copy of such abstract, statement, and account shall be inserted once in a newspaper published in the county in which the burgh is situated, or in an adjoining county. The commissioners shall also keep printed copies of such annual statement and account at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

#### IV.—*General powers and obligations of Commissioners.* 30

Commissioners may erect gasworks and supply public and private lights.

17. The commissioners may erect, lay down, improve, extend, and maintain gasworks, gasometers, and pipes for the distribution of gas, and execute all such works as may be necessary for the efficient manufacture and supply of gas for public and private purposes within the burgh, and may purchase, acquire, and hold lands and other property for these purposes, and may carry on any such operations and business as are for the time being usually carried on by gas companies.

Commissioners may purchase gasworks.

18. The commissioners may buy from any person or company, and the directors of any gas company established in the burgh, by and with the authority of three fifths of the shareholders for

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the time being of such company who may be present either personally or by proxy at some general meeting of the company specially convened for the purpose, may sell and transfer to the commissioners, on such terms as may be agreed on between the  
5 commissioners and the company, either for a price to be immediately paid or for a price to be paid in the form of a perpetual annuity of a determinate amount payable yearly or half-yearly as may be agreed upon, all the rights, powers, and privileges, and  
10 all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of purchase; and such sale and transfer shall be good and binding on the shareholders of the company, notwithstanding any provision in any Act of Parliament to the contrary.

19. When the commissioners shall acquire the works of any gas  
15 company they—

1. Shall pay off the mortgage and bond debts, and all other debts and liabilities of the company, and shall deliver to the company, or place upon record, discharges and receipts for such mortgage and bond and other debts, to the satisfaction  
20 of the sheriff; or
2. Shall otherwise as may be agreed upon between the commissioners and the company and any creditors of the company relieve the company from all liability for payment of such mortgage and bond debts, and all other debts and  
25 liabilities of the company, to the satisfaction of the sheriff; or
3. In case of any obstacle existing or arising to prevent any of such debts from being paid, and discharges thereof obtained, or to prevent the company being relieved therefrom,  
30 consignation of the amount of such debts in any bank in Scotland incorporated by Act of Parliament or Royal Charter, at the sight and to the satisfaction of the sheriff, so as to secure the payment thereof to the persons who shall show right thereto, shall have the same effect as the delivery or  
35 recording of discharges thereof or granting of bonds or other deeds of relief therefor.

The sheriff when satisfied that the whole of the mortgage and bond and other debts of the company have been paid and discharged, or that valid and sufficient bonds or other deeds of relief  
40 of the company therefrom have been granted by the commissioners, shall, on the application of the commissioners, grant a certificate to that effect; and upon such certificate being granted, the undertaking

Commissioners to discharge debts of company, and undertaking of company to vest in commissioners.



A.D. 1875. of the company, and their whole rights, powers, and privileges, lands, buildings, works, mains, pipes, stores, machinery, meters, and other apparatus, property, or estate, heritable and moveable, real and personal, and assets, money in the hands of bankers or others, belonging to the company, and debts due to the company as at 5 the date of the agreement for the acquisition of the works, and all money earned and to be earned, due or to become due, from that date until the undertaking shall become vested in the commissioners, shall vest and become vested in and transferred to the commissioners, but subject to and under burden of payment of any 10 annuity that may have been agreed upon to be paid as herein-before provided, and the burdens, debts, and obligations of the company: Provided always, that—

Within six months after the date of such certificate the commissioners shall produce to the Commissioners of Inland Revenue 15 a copy of this Act, printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided; and if the commissioners shall not, within the said period of six months, pro- 20 duce to the Commissioners of Inland Revenue such copy of this Act, duly stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the commissioners, with full costs of suit, and all costs and charges attending the same.

Act equivalent to general conveyance of lands.

20. After the mortgage and bond and other debts of the com- 25 pany shall have been paid and discharged or consigned, or bonds or other deeds of relief therefor granted as aforesaid, and a certificate to that effect shall have been granted by the sheriff in manner herein provided, this Act shall, as respects the lands and heritages to become vested in the commissioners as aforesaid, be equivalent 30 to a general conveyance thereof by the company according to the law of Scotland; and thereupon, in order to the completion of a feudal title to such lands and heritages in the commissioners, it shall be lawful for the commissioners to expedite a notarial instrument, which shall specially set forth this Act and the said 35 certificate, and to record such notarial instrument in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance, and such notarial instrument shall contain provisions constituting any annuity agreed upon to be paid 40 by the commissioners to the company a real and preferable burden upon the lands and heritages so conveyed.



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—  
Annuities to  
vest in share-  
holders of  
company.

21. In the event of the agreement between the commissioners and the company being for payment by way of annuity, the following provisions shall have effect; Firstly, the annuity shall be payable in every year on such day or days yearly or half-yearly as  
5 may be agreed upon between the commissioners and the company; Secondly, the annuity agreed to be paid shall be paid in the form of annuities, which shall be called by the name of the burgh issuing the same, and which shall vest in and belong and be paid to the several persons, their executors, administrators, or assignees, who  
10 at the date of the agreement to purchase the undertaking of the company were shareholders in the company, according to their respective rights and interests in the share capital of the company, subject to the following provisions; viz.,

(A.) The commissioners shall, at their own expense, grant and  
15 issue to every shareholder of the company, or to his executors, administrators, or assignees, on delivery to the commissioners of the certificate, or on production of other evidence of the share or stock or interest held by him in the capital of the company, annuity certificates in the  
20 form of the Schedule (A.) to this Act for the amount of the annuities to which such shareholder is entitled under the provisions of this Act:

Annuity cer-  
tificates to be  
granted.

(B.) The annuity certificates issued by the commissioners to any  
25 person entitled thereto shall be so many, and each of them for such sum, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the commissioners shall require: Provided that if or so far as any person does not require any particular number of certificates to be issued to him, the commissioners shall  
30 issue to such person one or more certificates, as they shall think fit; and provided also, that no certificate shall be for a less amount than twenty-eight shillings, or for any sum not being a multiple of fourteen shillings:

Amounts for  
which cer-  
tificates shall  
be issued.

(C.) The annuity certificates shall be numbered in arithmetical  
35 progression, beginning with No. 1, and every annuity certificate shall be distinguished by its appropriate number; and the annuity certificates shall be renewed by the commissioners when lost, worn out, or damaged, on production to them, or their clerk or treasurer, of  
40 evidence of the right of the annuitant requiring such renewal; and if in any case the commissioners shall not be satisfied with the evidence offered by any annuitant,

Certificates to  
be numbered  
and renewed.

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he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and whose decision shall be final; and for every such renewed certificate the commissioners may demand any sum not exceeding two shillings and sixpence :

5

Register of annuities.

(D.) The commissioners shall keep a book, called "The Register of [*name of burgh*] Gas Annuities," and enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities :

Annuities personal estate.

(E.) The annuities shall be moveable or personal estate, and transmissible as such :

Annuities may be transferred.

(F.) Every annuitant may sell and transfer all or any of his annuities; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the Schedule (B.) to this Act, or to the like effect :

Transfer of annuities to be registered.

(G.) Every such transfer, when duly executed, shall be delivered to the commissioners, and kept by them, and they shall keep a book called "The Register of Transfers of the [*name of burgh*] Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer, such endorsement to be signed by the treasurer or clerk, and shall, on demand, deliver a new certificate to the transferee; and for every such entry of a transfer with such endorsement and certificate the commissioners may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred, instead of a new certificate being granted; and such endorsement, being signed by the treasurer or clerk, shall be considered in every respect the same as a new certificate; and until such transfer be so delivered to the commissioners the transferee shall not be entitled to receive any part of the annuities transferred :

Closing of transfer books.

(H.) The commissioners may close the register of transfers of annuities for any period not exceeding fourteen days in each year; and any transfer made during the time when such register is closed shall, as between the commissioners and the transferee, but not otherwise, be held as made after that time :

(I.) If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein-after provided; and until the transmission be so authenticated, no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted:

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 Transmission of annuities by other means than transfer to be authenticated by a declaration.

(J.) Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace or a sheriff; and such declaration shall be left with the commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such entry the commissioners may demand any sum not exceeding one shilling:

Contents of declaration in all cases.

(K.) If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentary, or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer or clerk, and upon such production in either of those cases the treasurer or clerk shall make an entry of the declaration in the register of transfers of annuities:

Contents of declaration in cases of transmission by marriage or will.

(L.) The commissioners shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the commissioners for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the commissioners have had notice of such trusts, and the commissioners shall not be

Commissioners not bound to regard trusts.



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Commence-  
ment and  
payment of  
annuities.Power to  
redeem an-  
nuities by  
agreement.Annuities  
recoverable  
by action.Annuitants  
to be pre-  
ferential  
creditors for  
annuities.Actions not  
to abate.

bound to see to the application of the money paid upon such receipt :

- (M.) The annuities shall be computed from such day in each year as may be agreed upon between the commissioners and the company, and shall be paid at the office of the 5 commissioners or their treasurer in the burgh from which they were issued in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof legally chargeable thereon) :
- (N.) The commissioners may from time to time, by agreement 10 with any annuitant, purchase or redeem all or any of his annuities ; and when any annuity is so redeemed, an entry of the redemption thereof shall be made in the register of the Burgh's Gas Annuities, and thereupon the redeemed annuity shall be wholly extinguished : 15
- (O.) If any annuity or part of an annuity being payable be not paid on-demand thereof in writing made by any annuitant or his agent to the commissioners, the annuitant may sue for and recover the same from the commissioners, with interest at the rate of five pounds per centum per annum 20 till paid, and expenses in the Sheriff Court :
- (P.) The annuitants shall be creditors of the commissioners for payment of the annuities respectively herein-before directed to be paid to them, and of the interest thereon and expenses incident thereto ; and the said annuities, 25 and the interest on moneys authorised to be borrowed under the authority of this Act, are hereby constituted primary and preferential burdens and liens on the undertaking, and on any other works and property from time to time to be acquired or constructed by the commissioners, 30 and the rates, charges, and assessments leviable by and the other revenues of the commissioners under this Act.

22. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the company in relation to the undertaking of the company to be vested in the commissioners as 35 aforesaid previous to such vesting taking place, shall abate or be discontinued or be prejudicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect, either in favour of or against the commissioners, in such and the like manner as the same would have continued and 40 taken effect in relation to the company if such vesting in the commissioners had not taken place.



23. From and after the date when the commissioners shall become vested with the undertaking of any company under the provisions of this Act, the company shall cease to manufacture, sell, and supply gas. A.D. 1875.  
Company to  
cease to sup-  
ply gas.

5 24. From and after the date of the certificate to be granted by the sheriff in manner herein-before provided, the company shall sub-  
sist only for the purpose of securing the annuity certificates being  
granted to the shareholders for their respective annuities as herein-  
before provided, and of obtaining from the commissioners discharges  
10 of the mortgage and other debts and obligations due by the com-  
pany which, under the provisions of this Act, are to be paid by  
the commissioners, or of enforcing against the commissioners the  
company's right to relief from such mortgage and other debts and  
obligations, for winding up the affairs of the company, and  
15 carrying into effect the purposes of this Act, so far as relating  
to the company; and the directors of the company in office at the  
date of the said certificate being granted, and the survivors of them,  
shall continue without re-election to hold office, and shall have  
full power and authority to take all necessary proceedings for  
20 carrying into effect the several purposes herein-before mentioned,  
and on the fulfilment of the said purposes the company shall be  
dissolved. Ultimate dis-  
solution of  
company.

*V.—Borrowing Powers of Commissioners.*

25 25. It shall be lawful for the commissioners to borrow on mortgage any money which may be necessary for the purchase or  
erection of gasworks for the burgh, and to grant mortgages of any  
undertaking acquired, and of any works and property to be acquired  
or constructed by them, and also of the several rates and charges  
leviable by them under the provisions of this Act, in security of the  
30 payment of the money so borrowed and interest thereon; and if,  
after having borrowed any sum of money, the commissioners pay off  
the same otherwise than by a sinking fund, it shall be lawful for  
them again to borrow the amount so paid off, and so from time to  
time. Power to  
borrow on  
mortgage.

35 26. Every mortgage to be granted by the commissioners shall be by deed duly stamped, in which the consideration shall be truly  
stated, and may be in the form of the Schedule (C.) to this Act  
annexed. Form of  
mortgage.

40 27. It shall be lawful for the commissioners to issue along with any such mortgage, and during the period of any postponement of  
Mortgages  
may be ac-  
companied

A.D. 1875. the term of payment thereof, interest warrants in the form of the  
with interest Schedule (D.) to this Act annexed, or to the like effect, signed by  
warrants. the treasurer, for the periodical payment of the interest to become  
due on the principal sums thereby secured during the period for  
which such mortgage is intended to subsist; and the delivery to the 5  
commissioners or their treasurer, or to any person on their behalf,  
of any such interest warrant, duly stamped as a receipt, shall be a  
valid and sufficient discharge to the commissioners for the interest  
in respect of which the same was issued.

Commis-  
sioners may  
borrow on  
credit of a  
cash account.

28. It shall be lawful for the commissioners to take from any 10  
banking company credit on a cash account, to be opened and kept  
with such banking company in the name of the commissioners,  
according to the usage of bankers in Scotland, to the extent required  
as aforesaid, and to make and grant mortgages of the property and  
works forming their undertaking, and of the several rates and 15  
charges leviable by them under the authority of this Act, in security  
of the payment of the amount of such credit, or of the sums  
advanced from time to time on such cash account, with interest  
thereon.

Manner in  
which mort-  
gages and  
orders on  
bank account  
to be signed  
and exe-  
cuted.

29. Every mortgage to be granted by the commissioners may be 20  
written or partly written and partly printed, and shall be signed by  
at least two of the commissioners and the treasurer; and all drafts  
or orders on the cash account before mentioned shall be signed by  
any two of the commissioners authorized so to do, and shall be  
countersigned by the treasurer: Provided always, that no commis- 25  
sioner or treasurer shall, by his subscription of any such mortgage,  
draft, or order, be, or be held to have rendered himself, individually  
or personally liable for the payment of any money so borrowed,  
drawn, or received, or any interest thereon, or of any sums what-  
soever in respect thereof. 30

Arrears may  
be enforced  
by appoint-  
ment of a  
judicial  
factor.

30. It shall be lawful for any of the following persons to apply  
by summary petition to the Court of Session in either division  
thereof, or in the time of vacation to the Lord Ordinary on the  
bills, for the appointment of a judicial factor to manage the under-  
taking of the commissioners, with the powers after mentioned, 35  
and for such court or Lord Ordinary to appoint a judicial factor  
accordingly; that is to say,—

1. Any annuitant or mortgagee having an annuity or interest on  
a mortgage in arrear to the amount of one hundred pounds;  
or 40

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2. Any mortgagee with principal or principal and interest in arrear to the amount of five hundred pounds; or
3. Any annuitants or mortgagees having annuities, or interest on mortgages in arrear to the amount of two hundred pounds in the aggregate; or
4. Any mortgagees with principal or principal and interest in arrear to the amount of one thousand pounds in the aggregate.

Provided—

- (a.) The arrear shall have existed for two months; and
- (b.) The arrear shall have existed for twenty-one days after a demand for payment made in writing; and
- (c.) The arrear with interest and expenses shall not have been paid before the application is advised.

- An interlocutor pronounced under this section appointing a judicial factor shall not be subject to review or appeal.

31. A judicial factor appointed under the preceding section shall, on finding security in common form, have and exercise all the powers and rights and be subject to all the obligations of the commissioners whose undertaking he is appointed to manage, and the judicial factory shall continue till all arrears, whether of principal, annuities, or interest, due at the date of his appointment, and all such arrears subsequently arising, and all the expenses of the factory, including the expenses of the appointment, shall be paid, whereupon it shall be lawful for the commissioners to apply for the recal of the appointment of the judicial factor to the Court of Session in either division thereof, or, in time of vacation, to the Lord Ordinary on the bills, who may recall such appointment accordingly.

Power and duties of judicial factor.

32. All mortgages to be granted by the commissioners under the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, shall be moveable or personal estate, and transmissible as such.

Mortgages to be personal estate.

33. Any person entitled to any mortgage granted by the commissioners under the authority of this Act may discharge the same, and his right and interest therein, in favour of the commissioners; and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Schedule (E.) to this Act, or to the like effect; and such discharge, when signed by the person entitled to such

Discharge of mortgages.



A.D. 1875. mortgage and duly stamped, shall be valid and effectual to all intents and purposes.

Providing  
for regular  
payment of  
annuities.

34. The commissioners may from time to time apply any moneys borrowed under the authority of this Act with a view to the regular payment of annuities as they fall due; provided that they shall as soon as may be replace any moneys so applied out of the rates and charges which they are empowered to impose and levy under this Act. 5

Application  
of money  
borrowed.

35. The several sums borrowed by the commissioners under the authority of this Act shall be applied in the payment of the mortgage and other debts of the company, and in carrying the other purposes of this Act into execution; but the commissioners shall not apply any of the money so borrowed to the maintenance of the works acquired or to be constructed by them, or to the expenses of management, or to any other expenses properly payable out of revenue. 10 15

Guarantee  
rate.

36. It shall be lawful for the commissioners and they are hereby required from time to time to fix, impose, and levy such a rate, to be termed "The Gas Contingent Guarantee Rate," as may be necessary to meet any deficiency in the moneys required to pay any annuities and interest thereon (if any), the interest of money borrowed or to be borrowed, or to meet any other annual expenditure under the provisions and for the purposes of this Act. 20

Assessment  
and levy of  
rate.

37. The gas contingent guarantee rate shall be imposed, levied, and collected, on the requisition of the commissioners, by the authority in the burgh empowered by law to levy any assessment for police purposes therein, along with and in the same manner in all respects and from the same descriptions of persons and property as such assessment for police purposes, and the amount of such rate when imposed, levied, and collected by such authority shall be paid over to the commissioners for the purposes of this Act. All the powers, enactments, and provisions of law in force for the time with respect to the levying, payment, and recovery of assessments for police purposes within the burgh shall apply to the levying, payment, and recovery of the gas contingent guarantee rate by this Act authorised to be raised. 25 30 35

Sinking  
fund.

38. The commissioners shall, on the expiration of two years after they shall have commenced to supply gas, set apart as a sinking fund a sum of not less than *five pounds per centum per annum* on their gross receipts from any business carried on by 40



A.D. 1875.

them, and such sinking fund shall from time to time be applicable to the redemption of mortgages and annuities, and to no other purpose, and shall be lodged in any bank in Scotland incorporated by Act of Parliament or Royal Charter, or invested in Government securities, in the name of “(name of burgh) Gas Commissioners,” at the discretion of the commissioners, until the same be applied for the purposes before specified.

VI.—*General Provisions.*

39. The commissioners, as regards the first year of the under-  
10 taking, shall, at a special meeting to be held within one month  
after the date of the certificate to be granted by the sheriff in  
manner herein-after provided, cause their treasurer to lay before  
them an estimate of the probable revenue of the commissioners  
from all sources in the interval between the date of such certificate  
15 and the term of Whitsunday next ensuing, and of all the expenses  
of every description of the undertaking for the same interval; and  
at such meeting, or at an adjournment thereof, they may resolve to  
continue till the said next ensuing term of Whitsunday the prices  
charged for gas and for the other products and articles manu-  
20 factured and sold or let by the company immediately before the  
date of such certificate as the prices to be charged therefor by the  
commissioners, or may fix such prices to be charged by them  
therefor as shall make their revenue for the said interval balance  
their expenditure.
- 25 The commissioners shall, in every year after the first, at latest at  
their general meeting on the second Monday of July annually,  
cause their treasurer to lay before them an estimate of the sums  
to be derived for the year, from the term of Whitsunday imme-  
diately preceding to the term of Whitsunday immediately following,  
30 from the sale of gas, and from the sale of the secondary and  
other products of the manufacture thereof, and from the letting  
of meters, and also an estimate of the sums required to meet for  
such year the annuities, interest on borrowed money, sinking  
fund, feu duties or ground annuals, expenses of management,  
35 maintenance or extension of works, repairs, materials, salaries,  
wages, taxes, and other outgoings and charges; and at such  
meeting, or at an adjournment thereof, the commissioners shall fix  
the sums to be charged by them for gas and other products and  
articles manufactured and sold or let by them for the year, from  
40 the term of Whitsunday immediately preceding to the term of  
Whitsunday immediately following, so that the revenue shall, as

Commis-  
sioners to  
fix rates for  
gas.

A.D. 1875. nearly as possible, meet the expenditure for each year: Provided always, that if in any year the revenue received exceeds the amount required for the purposes aforesaid, the commissioners shall make such a reduction in the price to be charged by them in the following year for gas as they shall think will have the effect of making the revenue meet the expenditure in such year and no more. 5

Dispensing with notice as to interference with streets.

40. It shall not be necessary for the commissioners, before they proceed to break up for the purposes of this Act any street under the control of the commissioners, to give any notice of their intention so to do. 10

Obligation on commissioners as to supply.

41. The commissioners shall, on the request in writing of the owner or occupier of any building or part of a building within one hundred yards of which any main of the commissioners is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions, viz.: 15

First. That the person making such request do, if required by the commissioners, give to them, at his own expense, reasonable security for payment for the gas to be supplied;

Secondly. That such person do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the commissioners is placed; 20

Thirdly. That such person do, if required by the commissioners, pay in advance the estimated amount of such cost and expenses; and any dispute as to any matter arising under the present section shall be settled, upon the application of either party, by the sheriff, whose decision thereof shall be final, and not subject to review in any court or by any process whatsoever. 25

The commissioners shall, on failure to comply within a reasonable time with a request made under this section, be liable to a penalty not exceeding five pounds. 30

Gas pipes may be put in buildings.

42. Subject to the provisions contained in this Act, and the Acts partially incorporated herewith, the commissioners may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, for the purpose of lighting the same or any adjoining building, and may, with the like consent, provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply. 35

Gas to be consumed by meter.

43. Every consumer of gas supplied by the commissioners shall consume the gas by meter; and every meter measuring the con- 40

sumption of gas, whether such meter is provided by the consumer or the commissioners, shall be subject to the inspection and approval of the officers and servants of the commissioners. A.D. 1875.

44. Before any person shall connect or disconnect any meter through which gas supplied by the commissioners is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the commissioners of his intention to do so, and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings. Notice to commissioners putting up or removing meters.
45. Every consumer of gas supplied by the commissioners shall at all times, at his own expense, keep all meters whereby the consumption of such gas is registered in proper order for correctly registering such consumption, in default whereof the commissioners may cease to supply gas through such meters; and the commissioners shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter at their own expense if the meter be found in proper order, but otherwise at the expense of the consumer. Repair of meters.
46. The commissioners may let for hire any meter and any fittings thereto, on such terms with respect to the repair of such meter and fittings, and for securing the safety and return of the same to the commissioners, as may be agreed upon between the hirer and the commissioners, and such hire shall be recoverable in the same manner as moneys due to the commissioners for gas; and such meters and fittings shall not be subject to any diligence at the instance of the landlord for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law, or any proceedings in bankruptcy against the persons in whose possession the same may be. Power to commissioners to let meters.
47. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed. Register of gas meter to be *prima facie* evidence.
48. It shall be lawful for the commissioners, after twenty-four hours notice in writing under the hand of the manager of their works or some other one of their officers to the occupier, or if unoccupied, then to the owner or lessee or the person in charge or reputed to be in charge of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the commissioners are laid or fixed, and through or in which the supply of gas shall, from any cause other than the neglect or default of the commis-



A.D. 1875. sioners, be discontinued, to enter such land, house, or building between the hours of nine in the morning and six in the afternoon, for the purpose of removing, and to remove, such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the 5 person for whom it is intended, or left at his usual or last known place of abode, or, if such person or his address be not known, then by being affixed on some conspicuous part of such land, house, or building.

Fraudulently  
injuring me-  
ters, &c.

49. Every person who shall willingly, wilfully, fraudulently, or 10 by culpable negligence injure or suffer to be injured any meter or fittings belonging to the commissioners, or shall fraudulently alter or prevent the index to any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the commissioners or the punish- 15 ment of the offender, for every such offence forfeit and pay to the commissioners a sum not exceeding five pounds, and the commissioners may in addition thereto recover the amount of any damages by them sustained, and the commissioners may, notwithstanding any contract previously existing, discontinue the supply of gas to 20 the person so offending until the injury is remedied and the amount of the damages is paid.

For prevent-  
ing frauds  
and waste of  
gas.

50. If and whenever any person supplied with gas by the com- missioners wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails 25 to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of gas supplied by the commissioners, the commissioners may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is 30 not remedied, and also may recover, in any court of competent jurisdiction, from every person so offending, the amount of all loss, damage, or injury which the commissioners may sustain by reason of any such thing or failure; and the remedies of the commissioners under this enactment shall be in addition to their other remedies in 35 that behalf.

Quality of  
gas.

51. All the gas supplied by the commissioners shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height a light equal 40



in intensity to the light produced by twenty-five sperm candles of six in the pound burning one hundred and twenty grains per hour. A.D. 1875.

52. The commissioners shall, within six months after the passing of this Act, provide in some convenient part of their works an experimental meter furnished with a union jet or other approved burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situate and arranged as to test all the gas supplied by the commissioners, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Commissioners to maintain apparatus to test illuminating power of gas.

53. Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the commissioners; and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the commissioners, and in the presence of the superintendent or other officer of the commissioners make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus by this Act directed to be provided; and the commissioners and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power of the gas supplied by the commissioners did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the commissioners or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, the commissioners shall in any such case be liable in such a penalty, not exceeding twenty pounds, as the sheriff shall determine.

Provision for testing quality of gas.

54. The costs of such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and, in the event of any penalty being imposed on the commissioners, shall be paid, together with such penalty, by the commissioners, but in the event of no penalty being so imposed, such costs shall be paid to the commissioners by the persons complaining.

Costs of experiment to be paid according to the event.

55. Where any person fails to pay any gas rent or any rate or any sum whatever due under this Act to the commissioners, the commissioners may recover the same, with costs, including the costs

Recovery of sums owing to commissioners.

A.D. 1878. of cutting off the gas, if the same shall have been cut off by the commissioners, by proceedings in any court of competent jurisdiction, and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Recovery of penalties. 56. All penalties under this Act may be recovered before the sheriff, under the provisions of the Summary Procedure Act, 1864, at the instance of any person injured by fault of the commissioners when the penalty is exigible from the commissioners, otherwise at the instance of the clerk of the commissioners. 5

## SCHEDULES.

### SCHEDULE (A.)

#### *Form of Annuity Certificate.*

No.

5 This is to certify that *A.B.* [*name and designation*] is entitled to receive from the Gas Commissioners of [*insert name of the burgh*] an annuity of \_\_\_\_\_ pounds, payable on the first day of [*insert date for payment*] in each year, beginning the first payment thereof on the first day of [*insert date*] and so forth  
10 thereafter, and which annuity is preferably secured on the property and works vested in the said commissioners under “The Burghs Gas Supply (Scotland) Act, 1875,” and to be acquired or constructed by them, and on the several rates and revenues to be levied and received by them under that Act.

15 Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

[*Signed by two commissioners and the treasurer or clerk.*]

### SCHEDULE (B.)

20 *Form of Transfer of Annuity Certificate.*

I *A.B.* [*name and designation*], in consideration of the sum of \_\_\_\_\_ pounds [*or other consideration, as the case may be,*] paid to me by *C.D.* [*name and designation*], do hereby transfer to the said *C.D.*, and his executors, administrators, or assignees, the annuity of \_\_\_\_\_ pounds secured by annuity certificate No. [*as the case may be*] of “The [*insert the name of burgh*] Gas Annuities,” created under and by virtue of “The Burghs Gas Supply (Scotland) Act,  
[104.] D 3

A.D. 1875. 1875," now standing in my name in the books of the gas commissioners of [*insert name of burgh*] with the rights and privileges and subject to the conditions and provisions specified in the said Act. And I the said C.D. do hereby agree to hold the said annuity, subject to the same conditions and provisions. In witness whereof 5  
[*insert testing clause according to the form of the law of Scotland, if executed in Scotland, and if executed in England or elsewhere the form of attestation used in England*].

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### SCHEDULE (C.)

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#### *Form of Mortgage.*

10

Mortgage No. *[insert number]*

By virtue of "The Burghs Gas Supply (Scotland) Act, 1875," we, the gas commissioners acting under the authority of the said Act for the burgh of [*insert the name of the burgh*], in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said commissioners for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*as the case may be*], the property and works vested and hereafter to be vested in the said commissioners, 20 and the rates and charges to be levied by them under the authority of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall 25 thereafter in virtue hereof remain as a loan to the said commissioners, for the purposes aforesaid, until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids and by the treasurer to the 30 said commissioners, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of said mortgagee or his aforesaids, or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above 35 mentioned (being at the rate of [*specify rate*] per centum per annum), the said commissioners shall pay the several sums con-



A.D. 1875.

tained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and  
5 discharge to the said commissioners for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said commissioners shall not be bound to recognize or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein  
10 contained; and that the said commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof.  
15 In witness whereof [*testing clause according to law of Scotland*].

[*Signed by three commissioners and treasurer.*]

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SCHEDULE (D.)

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*Form of Interest Warrant.*

[*Name of burgh*] Gas.

20 Mortgage No. , dated 18 .

Interest Warrant—

		£	s.	d.
For	pounds			
and	pence			
25	Less income tax			

Payable on eighteen hundred and ,  
at the

Treasurer.

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A.D. 1875.

## SCHEDULE (E.)

*Form of Discharge.*

[Name of burgh] Gas.

Received from the treasurer to the gas commissioners acting under "The Burghs Gas Supply (Scotland) Act, 1875," on their behalf, the sum of \_\_\_\_\_, being the principal sum contained in the within mortgage (all interest due thereon having been paid), and the said mortgage is now delivered up as paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ eighteen  
hundred and \_\_\_\_\_ 10

**Burghs and Populous  
Places (Scotland) Gas  
Supply (No. 2).**

**B I L L**

To make provision for lighting Burghs  
and Populous Places in Scotland with  
Gas.

(Prepared and brought in by  
Sir Windham Austreber, Mr. Orr Ewing,  
Mr. Grieeve, and Mr. William Holmes.)

Ordered, by The House of Commons, to be Printed,  
22 March 1875.

[Bill 104.]

Under A oz.

# Burghs and Populous Places (Scotland) Gas Supply (No. 2) Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### Clauses.

1. Short title.
2. Application of Act.
3. Interpretation of terms.

### I.—*Adoption of the Act.*

4. Town council or commissioners of police may resolve that this Act shall be adopted, and cause such resolution to be published.
5. If resolution approved, this Act to be adopted, and minute to be registered in sheriff court books.
6. Appeal to Board of Trade.

### II.—*Incorporation of Acts.*

7. Incorporation of Acts.

### III.—*Proceedings of the Commissioners.*

8. Authority for executing Act.
9. Power to commissioners to appoint committee.
10. Meetings of committee.
11. Vacancies not to invalidate acts of commissioners.
12. Minutes of proceedings.
13. Contract for supply of gas not to disqualify commissioners.
14. Payment of rates not to disqualify any judge.
15. Books and accounts to be kept.
16. Auditor to be appointed.
17. Accounts to be balanced.

[Bill 211.]

IV.—*General Powers and Obligations of Commissioners.*

Clauses.

18. Commissioners may erect gasworks and supply public and private lights in certain cases.
19. Commissioners may purchase gasworks.
20. Provisions for case of burghs in which there are gas companies.
21. If company and commissioners treat for a sale and cannot agree, price to be fixed by arbitration. Sheriff empowered to appoint an oversman on neglect of the arbiters. If arbiters fail to make their award within twenty-one days, the matter to go to the oversman.
22. Commissioners to discharge debts of company, and undertaking of company to vest in commissioners.
23. Act equivalent to general conveyance of lands.
24. Annuities to vest in shareholders of company, subject to provisoes.
25. Actions not to abate.
26. Company to cease to supply gas.
27. Ultimate dissolution of company.

V.—*Borrowing Powers of Commissioners.*

28. Power to borrow on mortgage.
29. Form of mortgage.
30. Mortgages may be accompanied with interest warrants.
31. Commissioners may borrow on credit of a cash account.
32. Manner in which mortgages and orders on bank account to be signed and executed.
33. Arrears may be enforced by appointment of a judicial factor.
34. Power and duties of judicial factor.
35. Mortgages to be personal estate.
36. Discharge of mortgages.
37. Providing for regular payment of annuities.
38. Application of money borrowed.
39. Guarantee rate.
40. Assessment and levy of rate.
41. Sinking fund.



VI.—*General Provisions.*

Clauses.

42. Commissioners to fix rates for gas.
43. Commissioners may contract to light adjoining burghs.
44. Dispensing with notice as to interference with streets.
45. Obligation of commissioners as to supply.
46. Gas pipes may be put in buildings.
47. Gas to be consumed by meter.
48. Notice to commissioners putting up or removing meters.
49. Repair of meters.
50. Power to commissioners to let meters.
51. Register of gas meter to be *prima facie* evidence.
52. Power to remove meters and fittings.
53. Fraudulently injuring meters, &c.
54. For preventing frauds and waste of gas.
55. Quality of gas.
56. Commissioners to maintain apparatus to test illuminating power of gas.
57. Provision for testing quality of gas.
58. Costs of experiment to be paid according to the event.
59. Recovery of sums owing to commissioners.
60. Recovery of penalties.

SCHEDULES.

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A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Make provision for lighting Burghs and Populous Places in Scotland with Gas. A.D. 1875.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5   **1.** This Act may be cited as "The Burghs Gas Supply (Scotland) Act, 1875." Short title.

**2.** This Act shall not apply to any burgh specified in the Schedule (A.) or in the Schedule (B.) annexed to this Act, nor shall the provisions of this Act be construed to authorise the commissioners in any burgh adopting the Act to supply gas within any area within which the town council or police commissioners of any burgh specified in the said Schedule (A.), or any gas company incorporated by Act of Parliament in or near any of the burghs specified in the said Schedule (B.), have at the date of the passing of this Act, right to supply gas under Act of Parliament.

**3.** The following expressions in this Act have the meanings hereby assigned to them ; that is to say, Interpretation of terms.

      " Burgh " means and includes every burgh and place having town councillors or commissioners of police elected under any of the following Acts ; that is to say, the Act of the third and fourth years of the reign of King William the Fourth, chapter seventy-six, intituled " An Act to alter and amend the Laws for the Election of Magistrates and Councillors of the Royal Burghs in Scotland ; " or the Act of the third and fourth years of the reign of King William the Fourth, chapter seventy-seven, intituled " An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not

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25

[Bill 211.]

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A.D. 1875.

“ Royal Burghs ;” or the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled “ An Act to make more effectual provision for regulating the Police of Towns and Populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same ;” or “ The General Police and Improvement (Scotland) Act, 1862 ” :

“ Commissioners ” means the authority for executing this Act in any burgh in which the same shall be adopted :

“ Elector ” means any person entitled to vote in the election of town councillors or police commissioners in any burgh or any ward thereof :

“ Lands and heritages ” has the same meaning in this Act as in the Act of the seventeenth and eighteenth year of the reign of Her present Majesty, chapter ninety-one, intituled “ An Act for the valuation of lands and heritages in Scotland ” :

“ Company ” means any person or gas company carrying on the manufacture and distribution of gas in or near a burgh :

“ Shareholder ” means shareholder or holder of stock of any gas company whose works may be acquired by the commissioners of any burgh under the provisions of this Act :

“ Annuity ” means any annuity payable under this Act :

“ Annuitant ” means any person entitled to and holding an annuity payable under the provisions of this Act :

“ Sheriff ” includes sheriff substitute :

“ Clerk,” “ treasurer,” and “ collector ” mean the clerk, treasurer, and collector respectively who may be appointed by the commissioners of any burgh which shall adopt the provisions of this Act.

25

#### I.—*Adoption of the Act.*

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Town council or commissioners of police may resolve that this Act shall be adopted, and cause such resolution to be published.

4. It shall be lawful for the town council in any burgh in which there is a town council, and for the commissioners of police in any other burgh, by a majority of the members who are present at a meeting of such town council or commissioners specially called for the purpose, to resolve that this Act shall be adopted in and applied to the burgh, and to appoint a day not earlier than the third and not later than the thirtieth lawful day after the completion of the then next ensuing annual election of councillors or commissioners of police, as the case may be, for the burgh, for holding a second special meeting to resume consideration of such resolution ; and a copy of any minute containing such resolution and appointment shall be inserted once in each newspaper published in the burgh

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one month at least before such next annual election; and if there be no newspaper published in the burgh, a copy of such minute shall be delivered or transmitted through the post office to each elector and to the sheriff clerk and clerk of the peace of the  
5 county within which the burgh is situated, and shall be inserted once in a newspaper published in such county, or in an adjoining county, one month at least before such next annual election.

5. It shall be lawful for the town council or commissioners of police, as in the preceding section mentioned, at such second special  
10 meeting or at any adjourned special meeting, (of which adjourned meeting four days notice in writing shall be given to each member of the council or commissioner of police, as the case may be,) on resuming consideration of such resolution, either to approve or dis-  
approve the same; and if such resolution shall be approved by a  
15 majority of two thirds at least of the members of the council or commissioners of police, as the case may be, who are present at such second special meeting or at such adjourned meeting, this Act shall thereupon be held as adopted in the burgh; and a copy of the  
20 minute of the meeting at which such resolution shall be so approved shall, within fourteen days thereafter, or within fourteen days after the dismissal of the appeal against the said resolution herein-after provided for, be registered in the sheriff court books of the county in which the burgh is situated; and the provisions of this Act shall be in force from and after such registration, the date of which shall  
25 be held as the date of the adoption of this Act.

A.D. 1875;

If resolution approved, this Act to be adopted, and minute to be registered in sheriff court books.

6. It shall be lawful for one fourth or more electors within the burgh, who may be dissatisfied with the said second resolution of the town councillors or police commissioners, resolving that this Act shall be adopted in and applied to the burgh, to appeal to the  
30 Board of Trade against the said resolution; and the Board of Trade shall, as conveniently may be, after making such investigation as to the Board shall seem fit, determine whether this Act shall be adopted in and apply to the said burgh or not: Provided that notice of said appeal, signed by the said appellants, shall be lodged  
35 with the town clerk or clerk to the police commissioners of the said burgh within fourteen days after the resolution for adopting this Act has been agreed to.

Appeal to Board of Trade.

## II.—*Incorporation of Acts.*

7. "The Lands Clauses Consolidation (Scotland) Act, 1845," and  
40 "The Lands Clauses Consolidation Acts (1845) Amendment Act, 1860," shall, except the provisions thereof with respect to the  
[211.] A 2

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

A.D. 1875. purchase and taking of lands otherwise than by agreement, be incorporated with and form part of this Act.

Part of  
10 & 11 Vict.  
c. 16. in-  
corporated.

The provisions of "The Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall, except sections eighty-four and eighty-five, and except where expressly varied by this Act, be incorporated with this Act, and applied to the money borrowed and mortgages granted under the powers of this Act.

10 & 11 Vict.  
c. 15. in-  
corporated.

"The Gasworks Clauses Act, 1847," except the clauses thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, shall, except where the same are at variance with the provisions of this Act, be incorporated with and form part of this Act.

The several words and expressions to which by the Acts partially incorporated with this Act meanings are assigned, shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts partially incorporated with this Act and also in this Act the expressions "the undertakers" and "the commissioners" shall mean the commissioners acting in the execution of this Act; "the undertaking" shall mean the gasworks, business, property heritable and movable, plant, pipes, meters, and other assets of any company to be purchased by and vested in the commissioners under the provisions of this Act; and the word "street" shall mean and include street, highway, quay, wharf, bridge, railway crossing, 20  
bridleway, footway, carriageway, side pavement, turnpike, statute labour, or other road, thoroughfare, lane, passage, square, court, or place within any burgh brought under the provisions of this Act.

### III.—*The Commissioners; their proceedings.*

Authority  
for executing  
Act.

8. The commissioners for executing this Act in any burgh in which the same shall be adopted shall be,—

- (1.) In any burgh having a town council, the town council;
- (2.) In any other burgh, the commissioners of police.

Power to  
commis-  
sioners to  
appoint com-  
mittee.

9. The commissioners may from time to time appoint a committee of their number (to be called "the gas committee") for the execution of any of the purposes of this Act, and may appoint a convener of such committee, and may from time to time remove any member of such committee, and appoint another commissioner in his room, and may delegate to any such committee such of the powers and authorities of the commissioners as the commissioners think fit; 35  
and where such powers and authorities are not specially limited and

defined by the commissioners, every such committee shall have and may exercise all powers and authorities necessary to enable them to transact the business committed to them; and the acts and proceedings of any such committee within the limits of such delegation shall be deemed the acts and proceedings of the commissioners; and the quorum of any such committee shall, unless where otherwise declared, be three, and the convener thereof shall be chairman; and the commissioners may from time to time make such regulations as they think fit for the guidance of any such committee.

A.D. 1875.

10 10. Every committee appointed by the commissioners may meet from time to time and may adjourn from place to place as they think proper for carrying into effect the purposes of their appointment; and at all meetings of the committee one of the members present shall, in the absence of the convener, be appointed chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Meetings of committee.

11. No proceeding of the commissioners or of any committee shall be invalidated or be illegal in consequence of there being any vacancy or vacancies in the number of commissioners at the time of such proceeding.

Vacancies not to invalidate acts of commissioners.

12. The commissioners shall cause entries of the proceedings of the commissioners, and of every committee appointed by them, with the names of the commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, under the superintendence of the commissioners; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place; and such entry so signed, or a copy thereof certified by the clerk, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being commissioners or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the commissioners, or of any mortgagee of the property of the commissioners, or of any annuitant.

Minutes of proceedings.

13. No person shall be disqualified from being, continuing, or acting as a commissioner by reason of his being concerned in any

Contract for supply of gas not to dis-



A.D. 1875. contract entered into with the commissioners for the supply of gas,  
or of his being a mortgagee of the commissioners or an annuitant.

qualify com-  
missioners.

Payment of  
rates not to  
disqualify  
any judge.

14. No person liable under this Act in payment of rates or other consideration in respect of a supply of gas shall on that account, or on account of being a commissioner, be disqualified from acting 5 as a justice of peace or sheriff, or exercising any judicial or other function in the carrying out of this Act.

Books and  
accounts to  
be kept.

15. The treasurer shall keep separate and distinct books and accounts altogether apart from and unconnected with the other accounts and books of the commissioners, and such books and 10 accounts shall contain a full and accurate record of all moneys received and paid by the treasurer or the servants of the commissioners under the powers and provisions of this Act.

Auditor to  
be appointed.

16. On or before the first day of May in every year after this Act shall be adopted by a burgh, the sheriff shall, on the appli- 15 cation of the commissioners or of any three annuitants, appoint for the financial year then current an auditor (being a person well skilled in accounts and not being a commissioner) to audit the accounts of the commissioners; and such auditor shall continue in office until superseded by the appointment of another, and shall be 20 allowed such reasonable remuneration as shall be fixed by the sheriff; and in case in any year the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the sheriff, on the application of the commissioners, or of any three annuitants, shall from time to 25 time appoint an auditor to supply such vacancy; and the whole books, accounts, vouchers, and documents of the commissioners in relation to their undertaking shall be laid before the auditor for the purpose of such audit.

Accounts to  
be balanced.

17. The accounts to be kept by the treasurer shall be brought 30 to a balance on the fifteenth day of May in each year for the year immediately preceding, and shall be audited within thirty days thereafter, and shall be submitted along with the auditor's report to a general meeting of the commissioners, which shall be held upon the second Monday of July annually, at which meeting 35 the accounts shall be examined, and an abstract statement and account, authenticated by the docquet and subscription of the chairman of the meeting and the clerk, shall be printed, and a copy of such abstract, statement, and account shall be inserted once in 40 each newspaper published in the burgh within ten days of the date of such general meeting, or if there be no newspaper published in the burgh, a copy of such abstract, statement, and account shall be



A.D. 1875.

inserted once in a newspaper published in the county in which the burgh is situated, or in an adjoining county. The commissioners shall also keep printed copies of such annual statement and account at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

IV.—*General Powers and Obligations of Commissioners.*

18. In any burgh in which there is no company, the commissioners may erect, lay down, improve, extend, and maintain gas-works, gasometers, and pipes for the distribution of gas, and execute all such works as may be necessary for the efficient manufacture and supply of gas for public and private purposes within the burgh, and (subject to the provisions of this Act) within any districts adjacent thereto, and may purchase, acquire, and hold lands and other property for these purposes, and may carry on any such operations and business as are for the time being usually carried on by gas companies.

Commissioners may erect gas-works and supply public and private lights in certain cases.

19. In any burgh in which there is a company, the commissioners may buy from such company, and the directors of such company by and with the authority of three fifths of the shareholders for the time being who may be present either personally or by proxy at some general meeting of the company specially convened for the purpose, may sell and transfer to the commissioners, on such terms as may be agreed on between the commissioners and the company, either for a price to be immediately paid or for a price to be paid in the form of a perpetual annuity of a determinate amount payable yearly or half-yearly as may be agreed upon, all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of purchase; and such sale and transfer shall be good and binding on the shareholders of the company, notwithstanding any provision contained in the company's deed of co-partnership to the contrary.

Commissioners may purchase gasworks.

20. In any burgh in which there is a company, if the commissioners shall give notice to such company that they are willing to buy or to treat for the purchase of all the rights, powers, and privileges, and all the lands, premises, works, and other property of the company, and if such company shall refuse to sell or to treat for the sale of the same, or shall not within twenty-one days after the service of such notice return any answer, the commissioners may present a petition to the sheriff stating the facts and asking decree finding and declaring that in respect thereof the commissioners shall

Provisions for case of burghs in which there are gas companies.

A.D. 1875. have and may exercise in such burgh the same rights, powers, and privileges as it is provided they shall have and may exercise under this Act in a burgh in which there is no company, and the sheriff shall have full authority and power to grant decree accordingly on being satisfied by evidence of the facts as stated without further or other inquiry, and his decree shall be final, and on such decree being pronounced, the commissioners shall have and may exercise all the powers conferred by this Act on commissioners in burghs in which there is no company.

Where there is in a burgh more than one company, and any one or more of these, after receiving such notice as aforesaid, shall refuse to sell or to treat, or shall not answer as aforesaid, the commissioners may apply for and obtain decree as aforesaid, but shall not exercise their rights, powers, or privileges under the same until they shall have completed their bargains with the other company or companies which, after receiving such notice, shall have agreed to sell or treat for a sale to the commissioners in terms thereof.

If company and commissioners treat for a sale and cannot agree, price to be fixed by arbitration.

**21.** If the company shall agree to treat for the sale of their rights, powers, and privileges, if any, and lands, premises, works, and other property, but the commissioners and the company shall not be able to agree as to the price to be paid for the same, or for any portion thereof, such price shall be settled by arbitration in the manner herein-after provided, whether the same shall be, in terms of such agreement to treat, a price to be immediately paid, or a price to be paid in the form of an immediate annuity; that is to say,

(1.) Unless the company and commissioners shall concur in the appointment of a single arbiter, each of them on the request of the other shall nominate and appoint an arbiter to whom the settlement of such price shall be referred; and every appointment of an arbiter shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of the commissioners under the hand of the proper officer or person authorised by such commissioners, and such appointment shall be delivered to the arbiters, and shall be deemed a submission to arbitration, and after any such appointment shall have been made, neither shall have power to revoke the same without the consent of the other, and if for the space of fourteen days after the disagreement as to the price and after request in writing served by either of them on the other to appoint an arbiter, the other shall

fail to appoint an arbiter, then upon such failure the one making the request and having appointed an arbiter may appoint such arbiter to act on behalf of both, and such arbiter may proceed to hear and determine the said price, and in such case his determination shall be final :

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(2.) If before the price is fixed one of the arbiters shall die or become incapable, another person may be appointed in writing to act in his place, by the party that appointed the former arbiter, and if such party shall fail to do so for the space of seven days after notice in writing from the other party for that purpose, the remaining or other arbiter may proceed ex parte, and every arbiter so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbiter at the time of such his death or disability as aforesaid :

(3.) Where more than one arbiter shall have been appointed, such arbiters shall, before they enter upon the reference, nominate and appoint by writing under their hands an oversman, to decide the price in case they should differ, and if such oversman shall die or become incapable to act they shall forthwith after such death or incapacity appoint another oversman in his place, and the decision of every such oversman in the event of the arbiters differing shall be final :

(4.) If in either of the cases aforesaid the said arbiters shall refuse or shall for seven days after request of either party to the arbitration, neglect to appoint an oversman, it shall be lawful for the sheriff on the application of either party to such arbitration to appoint an oversman, and the decision of such oversman as to the said price in the event of the arbiters differing shall be final :

Sheriff empowered to appoint an oversman on neglect of the arbiters.

(5.) If when a single arbiter shall have been appointed, such arbiter shall die or become incapable to act before he shall have made his award, the matter referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbiter had not been appointed :

(6.) If when more than one arbiter shall have been appointed, either of the arbiters refuse, or for seven days neglect to act, the other arbiter may proceed ex parte, and the decision of such arbiter shall be as effectual as if he had been the single arbiter appointed by both parties :



A.D. 1875.

If arbiters  
fail to make  
their award  
within  
21 days, the  
matter to go  
to the overs-  
man.

- (7.) If where more than one arbiter shall have been appointed, and neither of them shall refuse or neglect to act as aforesaid, such arbiters shall fail to make their award within twenty-one days after the day on which the last of such arbiters shall have been appointed, or within such extended time as shall have been appointed for that purpose by both such arbiters, the matter referred to them shall be determined by the oversman to be appointed as aforesaid :
- (8.) The said arbiters or their oversman may call for the production of any documents in the possession or power of either party to the arbitration, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose, and take all evidence competent according to the law of Scotland :
- (9.) All the expenses of any such arbitration and incident thereto to be settled by the arbiters or oversman, as the case may be, shall be borne by the commissioners, unless the arbiters or oversman shall award the same sum as or a less sum than shall have been offered by the commissioners as the price, in which case each party shall bear his own expenses incident to the arbitration, and in all cases the expenses of the arbiters or oversman, as the case may be, and of recording the decreet arbitral or award in the books of Council and Session, shall be borne by the commissioners :
- (10.) The arbiters shall make their decreet arbitral or award in writing, and shall cause the same to be recorded in the books of Council and Session, or shall deliver the same to the commissioners to be by them so recorded, and the said commissioners shall on demand at their own expense furnish an extract thereof from the said books to the company, and extracts of such decreets arbitral or awards shall bear faith in all courts and cases the same as the original writings :
- (11.) No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

**22.** When the commissioners shall acquire the works of any gas company they—

1. Shall pay off the mortgage and bond debts, and all other debts and liabilities of the company, and shall deliver to the company, or place upon record, discharges and receipts for

Commis-  
sioners to  
discharge  
debts of com-  
pany, and  
undertaking  
of company

35

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such mortgage and bond and other debts, to the satisfaction of the sheriff; or A.D. 1875.

to vest in  
commis-  
sioners.

- 5 2. Shall otherwise as may be agreed upon between the commissioners and the company and any creditors of the company relieve the company from all liability for payment of such mortgage and bond debts, and all other debts and liabilities of the company, to the satisfaction of the sheriff; or
- 10 3. In case of any obstacle existing or arising to prevent any of such debts from being paid, and discharges thereof obtained, or to prevent the company being relieved therefrom, consignment of the amount of such debts in any bank in Scotland incorporated by Act of Parliament or Royal Charter, at the sight and to the satisfaction of the sheriff, so as to
- 15 secure the payment thereof to the persons who shall show right thereto, shall have the same effect as the delivery or recording of discharges thereof or granting of bonds or other deeds of relief therefor.

The sheriff when satisfied that the whole of the mortgage and

20 bond and other debts of the company have been paid and discharged, or that valid and sufficient bonds or other deeds of relief of the company therefrom have been granted by the commissioners, shall, on the application of the commissioners, grant a certificate to that effect; and upon such certificate being granted, the undertaking

25 of the company, and their whole rights, powers, and privileges, lands, buildings, works, mains, pipes, stores, machinery, meters, and other apparatus, property, or estate, heritable and moveable, real and personal, and assets, money in the hands of bankers or others, belonging to the company, and debts due to the company as at

30 the date of the agreement for the acquisition of the works, and all money earned and to be earned, due or to become due, from that date until the undertaking shall become vested in the commissioners, shall vest and become vested in and transferred to the commissioners, but subject to and under burden of payment of any

35 annuity that may have been agreed upon to be paid as herein-before provided, and the burdens, debts, and obligations of the company: Provided always, that—

Within six months after the date of such certificate the commissioners shall produce to the Commissioners of Inland Revenue

40 a copy of this Act, printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided; and if the

A.D. 1875. commissioners shall not, within the said period of six months, produce to the Commissioners of Inland Revenue such copy of this Act, duly stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the commissioners, with full costs of suit, and all costs and charges attending the same. 5

Act equivalent to general conveyance of lands.

**23.** After the mortgage and bond and other debts of the company shall have been paid and discharged or consigned, or bonds or other deeds of relief therefor granted as aforesaid, and a certificate to that effect shall have been granted by the sheriff in manner herein provided, this Act shall, as respects the lands and heritages to become vested in the commissioners as aforesaid, be equivalent to a general conveyance thereof by the company according to the law of Scotland; and thereupon, in order to the completion of a feudal title to such lands and heritages in the commissioners, it shall be lawful for the commissioners to expedite a notarial instrument, which shall specially set forth this Act and the said certificate, and to record such notarial instrument in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance, and such notarial instrument shall contain provisions constituting any annuity agreed upon to be paid by the commissioners to the company a real and preferable burden upon the lands and heritages so conveyed. 10 15 20

Annuities to vest in shareholders of company.

**24.** In the event of the agreement between the commissioners and the company being for payment by way of annuity, the following provisions shall have effect; firstly, the amount of the annuity, as the same shall be fixed by agreement or settled by arbitration in the manner herein-before provided, shall be payable in every year on such day or days yearly or half-yearly as may be agreed upon between the commissioners and the company, or settled as herein-before provided; secondly, the said amount shall be paid in the form of annuities, which shall be called by the name of the burgh issuing the same, and which shall vest in and belong and be paid to the several persons, their executors, administrators, or assignees, who at the date of the agreement to purchase the undertaking of the company were shareholders in the company, according to their respective rights and interests in the share capital of the company, subject to the following provisions; viz., 25 30 35

Annuity certificates to be granted.

(A.) The commissioners shall, at their own expense, grant and issue to every shareholder of the company, or to his executors, administrators, or assignees, on delivery to the commissioners of the certificate, or on production of other evidence of the share or stock or interest held by him in 40

the capital of the company, annuity certificates in the form of the Schedule (C.) to this Act for the amount of the annuities to which such shareholder is entitled under the provisions of this Act : A.D. 1875.

- 5 (B.) The annuity certificates issued by the commissioners to any person entitled thereto shall be so many, and each of them for such sum, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the commissioners shall require: Provided that if or so far as any person does not require any particular number of certificates to be issued to him, the commissioners shall issue to such person one or more certificates, as they shall think fit; and provided also, that no certificate shall be for a less amount than twenty shillings, or for any sum not being a multiple of ten shillings : Amounts for which certificates shall be issued.
- 10
- 15 (C.) The annuity certificates shall be numbered in arithmetical progression, beginning with No. 1, and every annuity certificate shall be distinguished by its appropriate number; and the annuity certificates shall be renewed by the commissioners when lost, worn out, or damaged, on production to them, or their clerk or treasurer, of evidence of the right of the annuitant requiring such renewal; and if in any case the commissioners shall not be satisfied with the evidence offered by any annuitant, he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and whose decision shall be final; and for every such renewed certificate the commissioners may demand any sum not exceeding two shillings and sixpence : Certificates to be numbered and renewed.
- 20
- 25
- 30 (D.) The commissioners shall keep a book, called "The Register of [*name of burgh*] Gas Annuities," and enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities : Register of annuities.
- 35
- (E.) The annuities shall be moveable or personal estate, and transmissible as such : Annuities personal estate.
- (F.) Every annuitant may sell and transfer all or any of his annuities; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the Schedule (D.) to this Act, or to the like effect : Annuities may be transferred.
- 40



A.D. 1875.

Transfer of  
annuities to  
be registered.

(G.) Every such transfer, when duly executed, shall be delivered to the commissioners, and kept by them, and they shall keep a book called "The Register of Transfers of the [*name of burgh*] Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer, such endorsement to be signed by the treasurer or clerk, and shall, on demand, deliver a new certificate to the transferee; and for every such entry of a transfer with such endorsement and certificate the commissioners may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred, instead of a new certificate being granted; and such endorsement, being signed by the treasurer or clerk, shall be considered in every respect the same as a new certificate; and until such transfer be so delivered to the commissioners the transferee shall not be entitled to receive any part of the annuities transferred :

Closing of  
transfer  
books.

(H.) The commissioners may close the register of transfers of annuities for any period not exceeding fourteen days in each year; and any transfer made during the time when such register is closed shall, as between the commissioners and the transferee, but not otherwise, be held as made after that time :

Transmis-  
sion of an-  
nuities by  
other means  
than transfer  
to be authen-  
ticated by a  
declaration.

(I.) If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein-after provided; and until the transmission be so authenticated, no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted :

Contents of  
declaration  
in all cases.

(J.) Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace or a sheriff; and such declaration shall be left with the commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such



entry the commissioners may demand any sum not exceeding one shilling : A.D. 1875.

(K.) If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentar, or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer or clerk, and upon such production in either of those cases the treasurer or clerk shall make an entry of the declaration in the register of transfers of annuities :

Contents of declaration in cases of transmission by marriage or will.

(L.) The commissioners shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the commissioners for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the commissioners have had notice of such trusts, and the commissioners shall not be bound to see to the application of the money paid upon such receipt :

Commissioners not bound to regard trusts.

(M.) The annuities shall be computed from such day in each year as may be agreed upon between the commissioners and the company, and shall be paid at the office of the commissioners or their treasurer in the burgh from which they were issued in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof legally chargeable thereon) :

Commencement and payment of annuities.

(N.) The commissioners may from time to time, by agreement with any annuitant, purchase or redeem all or any of his annuities; and when any annuity is so redeemed, an entry of the redemption thereof shall be made in the register of the Burgh's Gas Annuities, and thereupon the redeemed annuity shall be wholly extinguished :

Power to redeem annuities by agreement.

(O.) If any annuity or part of an annuity being payable be not paid on demand thereof in writing made by any annuitant

Annuities recoverable by action.

A.D. 1875.

or his agent to the commissioners, the annuitant may sue for and recover the same from the commissioners, with interest at the rate of five pounds per centum per annum till paid, and expenses in the Sheriff Court:

Annuitants  
to be pre-  
ferential  
creditors for  
annuities.

(P.) The annuitants shall be creditors of the commissioners for payment of the annuities respectively herein-before directed to be paid to them, and of the interest thereon and expenses incident thereto; and the said annuities, and the interest on moneys authorised to be borrowed under the authority of this Act, are hereby constituted primary and preferential burdens and liens on the undertaking, and on any other works and property from time to time to be acquired or constructed by the commissioners, and the rates, charges, and assessments leviable by and the other revenues of the commissioners under this Act.

Actions not  
to abate.

25. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the company in relation to the undertaking of the company to be vested in the commissioners as aforesaid previous to such vesting taking place, shall abate or be discontinued or be prejudicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect, either in favour of or against the commissioners, in such and the like manner as the same would have continued and taken effect in relation to the company if such vesting in the commissioners had not taken place.

Company to  
cease to sup-  
ply gas.

26. From and after the date when the commissioners shall become vested with the undertaking of any company under the provisions of this Act, the company shall cease to manufacture, sell, and supply gas.

Ultimate dis-  
solution of  
company.

27. From and after the date of the certificate to be granted by the sheriff in manner herein-before provided, the company shall subsist only for the purpose of securing the annuity certificates being granted to the shareholders for their respective annuities as herein-before provided, and of obtaining from the commissioners discharges of the mortgage and other debts and obligations due by the company which, under the provisions of this Act, are to be paid by the commissioners, or of enforcing against the commissioners the company's right to relief from such mortgage and other debts and obligations, for winding up the affairs of the company, and carrying into effect the purposes of this Act, so far as relating to the company; and the directors of the company in office at the

date of the said certificate being granted, and the survivors of them, shall continue without re-election to hold office, and shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned, and on the fulfilment of the said purposes the company shall be dissolved.

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*V.—Borrowing Powers of Commissioners.*

28. It shall be lawful for the commissioners to borrow on mortgage any money which may be necessary for the purchase or erection of gasworks for the burgh, and to grant mortgages of any undertaking acquired, and of any works and property to be acquired or constructed by them, and also of the several rates and charges leviable by them under the provisions of this Act, in security of the payment of the money so borrowed and interest thereon; and if, after having borrowed any sum of money, the commissioners pay off the same otherwise than by a sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to  
borrow on  
mortgage.

29. Every mortgage to be granted by the commissioners shall be by deed duly stamped, in which the consideration shall be truly stated, and may be in the form of the Schedule (E.) to this Act annexed.

Form of  
mortgage.

30. It shall be lawful for the commissioners to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of the Schedule (F.) to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the commissioners or their treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the commissioners for the interest in respect of which the same was issued.

Mortgages  
may be ac-  
companied  
with interest  
warrants.

31. It shall be lawful for the commissioners to take from any banking company credit on a cash account, to be opened and kept with such banking company in the name of the commissioners, according to the usage of bankers in Scotland, to the extent required as aforesaid, and to make and grant mortgages of the property and works forming their undertaking, and of the several rates and charges leviable by them under the authority of this Act, in security

Commis-  
sioners may  
borrow on  
credit of a  
cash account.



A.D. 1875. of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon.

Manner in which mortgages and orders on bank account to be signed and executed.

**32.** Every mortgage to be granted by the commissioners may be written or partly written and partly printed, and shall be signed by at least two of the commissioners and the treasurer; and all drafts or orders on the cash account before mentioned shall be signed by any two of the commissioners authorised so to do, and shall be countersigned by the treasurer: Provided always, that no commissioner or treasurer shall, by his subscription of any such mortgage, draft, or order, be, or be held to have rendered himself, individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or, of any sums whatsoever in respect thereof.

Arrears may be enforced by appointment of a judicial factor.

**33.** It shall be lawful for any of the following persons to apply by summary petition to the Court of Session in either division thereof, or in the time of vacation to the Lord Ordinary on the bills, for the appointment of a judicial factor to manage the undertaking of the commissioners, with the powers after mentioned, and for such court or Lord Ordinary to appoint a judicial factor accordingly; that is to say,

1. Any annuitant or mortgagee having an annuity or interest on a mortgage in arrear to the amount of one hundred pounds; or
2. Any mortgagee with principal or principal and interest in arrear to the amount of five hundred pounds; or
3. Any annuitants or mortgagees having annuities, or interest on mortgages in arrear to the amount of two hundred pounds in the aggregate; or
4. Any mortgagees with principal or principal and interest in arrear to the amount of one thousand pounds in the aggregate.

Provided—

- (a.) The arrear shall have existed for two months; and
- (b.) The arrear shall have existed for twenty-one days after a demand for payment made in writing; and
- (c.) The arrear with interest and expenses shall not have been paid before the application is advised.

An interlocutor pronounced under this section appointing a judicial factor shall not be subject to review or appeal.



34. A judicial factor appointed under the preceding section shall, on finding security in common form, have and exercise all the powers and rights and be subject to all the obligations of the commissioners whose undertaking he is appointed to manage, and  
5 the judicial factor shall continue till all arrears, whether of principal, annuities, or interest, due at the date of his appointment, and all such arrears subsequently arising, and all the expenses of the factory, including the expenses of the appointment, shall be paid, whereupon it shall be lawful for the commissioners to apply for  
10 the recal of the appointment of the judicial factor to the Court of Session in either division thereof, or, in time of vacation, to the Lord Ordinary on the bills, who may recall such appointment accordingly.

A.D. 1875.

Power and  
duties of  
judicial  
factor.

35. All mortgages to be granted by the commissioners under  
15 the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, shall be moveable or personal estate, and transmissible as such.

Mortgages to  
be personal  
estate.

36. Any person entitled to any mortgage granted by the commissioners under the authority of this Act may discharge the same,  
20 and his right and interest therein, in favour of the commissioners; and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Schedule (G.) to this Act, or to the like effect; and such discharge, when signed by the person entitled to, such  
25 mortgage and duly stamped, shall be valid and effectual to all intents and purposes.

Discharge of  
mortgages.

37. The commissioners may from time to time apply any moneys borrowed under the authority of this Act with a view to the regular payment of annuities as they fall due; provided that  
30 they shall as soon as may be replace any moneys so applied out of the rates and charges which they are empowered to impose and levy under this Act.

Providing  
for regular  
payment of  
annuities.

38. The several sums borrowed by the commissioners under the authority of this Act shall be applied in the payment of the mort-  
35 gage and other debts of the company, and in carrying the other purposes of this Act into execution; but the commissioners shall not apply any of the money so borrowed to the maintenance of the works acquired or to be constructed by them, or to the expenses of management, or to any other expenses properly payable out of  
40 revenue.

Application  
of money  
borrowed.

A.D. 1875.

Guarantee  
rate.

39. It shall be lawful for the commissioners and they are hereby required from time to time to fix, impose, and levy such a rate, to be termed "The Gas Contingent Guarantee Rate," as may be necessary to meet any deficiency in the moneys required to pay any annuities and interest thereon (if any), the interest of money <sup>5</sup> borrowed or to be borrowed, or to meet any other annual expenditure under the provisions and for the purposes of this Act.

Assessment  
and levy of  
rate.

40. The gas contingent guarantee rate shall be imposed, levied, and collected, on the requisition of the commissioners, by the authority in the burgh empowered by law to levy any assessment <sup>10</sup> for police purposes therein, along with and in the same manner in all respects and from the same descriptions of persons and property as such assessment for police purposes, and the amount of such rate when imposed, levied, and collected by such authority shall be paid over to the commissioners for the purposes of this Act. All the <sup>15</sup> powers, enactments, and provisions of law in force for the time with respect to the levying, payment, and recovery of assessments for police purposes within the burgh shall apply to the levying, payment, and recovery of the gas contingent guarantee rate by this Act authorised to be raised. <sup>20</sup>

Sinking  
fund.

41. The commissioners shall, on the expiration of two years after they shall have commenced to supply gas, set apart as a sinking fund a sum of not less than five pounds per centum per annum on their gross receipts from any business carried on by <sup>25</sup> hem, and such sinking fund shall from time to time be applicable to the redemption of mortgages and annuities, and to no other purpose, and shall be lodged in any bank in Scotland incorporated by Act of Parliament or Royal Charter, or invested in Government securities, in the name of "*(name of burgh)* Gas Commissioners," at the discretion of the commissioners, until the same be applied <sup>30</sup> for the purposes before specified.

#### VI.—*General Provisions.*

Commis-  
sioners to  
fix rates for  
gas.

42. The commissioners, as regards the first year of the under- taking, shall, at a special meeting to be held within one month after the date of the certificate to be granted by the sheriff in <sup>35</sup> manner herein-before provided, cause their treasurer to lay before them an estimate of the probable revenue of the commissioners from all sources in the interval between the date of such certificate and the term of Whitsunday next ensuing, and of all the expenses of every description of the undertaking for the same interval; and <sup>40</sup>

at such meeting, or at an adjournment thereof, they may resolve to continue till the said next ensuing term of Whitsunday the prices charged for gas and for the other products and articles manufactured and sold or let by the company immediately before the  
5 date of such certificate as the prices to be charged therefor by the commissioners, or may fix such prices to be charged by them therefor as shall make their revenue for the said interval balance their expenditure.

A.D. 1875.

The commissioners shall, in every year after the first, at latest at  
10 their general meeting on the second Monday of July annually, cause their treasurer to lay before them an estimate of the sums to be derived for the year, from the term of Whitsunday immediately preceding to the term of Whitsunday immediately following, from the sale of gas, and from the sale of the secondary and  
15 other products of the manufacture thereof, and from the letting of meters, and also an estimate of the sums required to meet for such year the annuities, interest on borrowed money, sinking fund, feu duties or ground annuals, expenses of management, maintenance or extension of works, repairs, materials, salaries,  
20 wages, taxes, and other outgoings and charges; and at such meeting, or at an adjournment thereof, the commissioners shall fix the sums to be charged by them for gas and other products and articles manufactured and sold or let by them for the year, from the term of Whitsunday immediately preceding to the term of  
25 Whitsunday immediately following, so that the revenue shall, as nearly as possible, meet the expenditure for each year: Provided always, that if in any year the revenue received exceeds the amount required for the purposes aforesaid, such revenue shall, to the extent of such excess, be held to be revenue of the following year,  
30 and the commissioners shall make such a reduction in the price to be charged by them in the following year for gas as they shall think will have the effect of making the revenue meet the expenditure in such year and no more.

43. The commissioners may contract and agree with the town  
35 council or commissioners of police of any immediately adjacent burgh to supply such burgh and (subject to the provisions of this Act) any districts adjacent thereto with gas for public and private purposes.

Commis-  
sioners may  
contract to  
light adjoining  
burghs.

44. It shall not be necessary for the commissioners, before they  
40 proceed to break up for the purposes of this Act any street under the control of the commissioners, to give any notice of their intention so to do.

Dispensing  
with notice  
as to inter-  
ference with  
streets.



A.D. 1875.

Obligation  
on commis-  
sioners as to  
supply.

45. The commissioners shall, on the request in writing of the owner or occupier of any building or part of a building within one hundred yards of which any main of the commissioners is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions, viz. :

5

First. That the person making such request do, if required by the commissioners, give to them, at his own expense, reasonable security for payment for the gas to be supplied ;

Secondly. That such person do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the commissioners is placed ;

10

Thirdly. That such person do, if required by the commissioners, pay in advance the estimated amount of such cost and expenses ; and any dispute as to any matter arising under the present section shall be settled, upon the application of either party, by the sheriff, whose decision thereof shall be final, and not subject to review in any court or by any process whatsoever.

15

The commissioners shall, on failure to comply within a reasonable time with a request made under this section, be liable to a penalty not exceeding five pounds.

20

Gas pipes  
may be put  
in buildings.

46. Subject to the provisions contained in this Act, and the Acts partially incorporated herewith, the commissioners may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, for the purpose of lighting the same or any adjoining building, and may, with the like consent, provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply.

25

Gas to be  
consumed  
by meter.

47. Every consumer of gas supplied by the commissioners shall consume the gas by meter ; and every meter measuring the consumption of gas, whether such meter is provided by the consumer or the commissioners, shall be subject to the inspection and approval of the officers and servants of the commissioners.

30

Notice to  
commis-  
sioners put-  
ting up or  
removing  
meters.

48. Before any person shall connect or disconnect any meter through which gas supplied by the commissioners is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the commissioners of his intention to do so, and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

35

Repair of  
meters.

49. Every consumer of gas supplied by the commissioners shall at all times, at his own expense, keep all meters whereby the

40



consumption of such gas is registered in proper order for correctly registering such consumption, in default whereof the commissioners may cease to supply gas through such meters; and the commissioners shall at all reasonable times have access to and be at  
5 liberty to take off, remove, test, inspect, and replace any meter at their own expense if the meter be found in proper order, but otherwise at the expense of the consumer. A.D. 1875.

50. The commissioners may let for hire any meter and any fittings thereto, on such terms with respect to the repair of such  
10 meter and fittings, and for securing the safety and return of the same to the commissioners, as may be agreed upon between the hirer and the commissioners, and such hire shall be recoverable in the same manner as moneys due to the commissioners for gas; and such meters and fittings shall not be subject to any diligence  
15 at the instance of the landlord for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law, or any proceedings in bankruptcy against the persons in whose possession the same may be. Power to commissioners to let meters.

51. The register of the meter shall be *prima facie* evidence of  
20 the quantity of gas consumed. Register of gas meter to be *prima facie* evidence.

52. It shall be lawful for the commissioners, after twenty-four hours notice in writing under the hand of the manager of their works or some other one of their officers to the occupier, or if unoccupied, then to the owner or lessee or the person in charge or  
25 reputed to be in charge of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the commissioners are laid or fixed, and through or in which the supply of gas shall, from any cause other than the neglect or default of the commissioners, be discontinued, to enter such land, house, or building  
30 between the hours of nine in the morning and six in the afternoon, for the purpose of removing, and to remove, such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known  
35 place of abode, or, if such person or his address be not known, then by being affixed on some conspicuous part of such land, house, or building. Power to remove meters and fittings.

53. Every person who shall willingly, wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter or  
40 fittings belonging to the commissioners, or shall fraudulently alter Fraudulently injuring meters, &c.

A.D. 1875. or prevent the index to any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the commissioners or the punishment of the offender, for every such offence forfeit and pay to the commissioners a sum not exceeding five pounds, and the commis- 5 sioners may in addition thereto recover the amount of any damages by them sustained, and the commissioners may, notwithstanding any contract previously existing, discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid. 10

For prevent-  
ing frauds  
and waste of  
gas.

54. If and whenever any person supplied with gas by the commissioners wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of gas supplied 15 by the commissioners, the commissioners may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover, in any court of competent jurisdiction, from every person so offending, the amount of all loss, 20 damage, or injury which the commissioners may sustain by reason of any such thing or failure; and the remedies of the commissioners under this enactment shall be in addition to their other remedies in that behalf.

Quality of  
gas.

55. All the gas supplied by the commissioners shall be at least 25 of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height a light equal in intensity to the light produced by twenty-five sperm candles of six in the pound burning one hundred and twenty grains per hour. 30

Commis-  
sioners to  
maintain ap-  
paratus to  
test illumi-  
nating power  
of gas.

56. The commissioners shall, within six months after the passing of this Act, provide in some convenient part of their works an experimental meter furnished with a union jet or other approved burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the 35 gas, and so situate and arranged as to test all the gas supplied by the commissioners, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Provision  
for testing  
quality of  
gas.

57. Any five consumers of gas may, by order in writing, appoint 40 some competent person, not being one of themselves, to proceed to

A.D. 1875.

the works of the commissioners; and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the commissioners, and in the presence of the superintendent or other officer of the commissioners make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus by this Act directed to be provided; and the commissioners and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power of the gas supplied by the commissioners did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the commissioners or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, the commissioners shall in any such case be liable in such a penalty, not exceeding twenty pounds, as the sheriff shall determine.

58. The costs of such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and, in the event of any penalty being imposed on the commissioners, shall be paid, together with such penalty, by the commissioners, but in the event of no penalty being so imposed, such costs shall be paid to the commissioners by the persons complaining.

Costs of experiment to be paid according to the event.

59. Where any person fails to pay any gas rent or any rate or any sum whatever due under this Act to the commissioners, the commissioners may recover the same, with costs, including the costs of cutting off the gas, if the same shall have been cut off by the commissioners, by proceedings in any court of competent jurisdiction, and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Recovery of sums owing to commissioners.

60. All penalties under this Act may be recovered before the sheriff, under the provisions of the Summary Procedure Act, 1864, at the instance of any person injured by fault of the commissioners when the penalty is exigible from the commissioners, otherwise at the instance of the clerk of the commissioners.

Recovery of penalties.

A.D. 1875.  

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## SCHEDULES.

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### SCHEDULE (A.)

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*Burghs in which the Supply of Gas is already in the hands of the  
Municipal Authorities.*

Aberdeen.	Forfar.	5
Kilmarnock.	Inverness.	
Rothsay.	Glasgow.	
Dunfermline.	Partick, Hillhead, and	
Arbroath.	Maryhill.	
Broughty Ferry.	Perth.	10
Renfrew.	Greenock.	
Dundee.	Paisley.	

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### SCHEDULE (B.)

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*List of Burghs in which exist incorporated Companies authorised to  
supply Gas by Acts of Parliament.* 15

Edinburgh.	Hamilton.
Leith.	Tolcross.

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### SCHEDULE (C.)

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*Form of Annuity Certificate.*

No.

20

This is to certify that *A.B.* [*name and designation*] is entitled to receive from the Gas Commissioners of [*insert name of the burgh*] an annuity of \_\_\_\_\_ pounds, payable on the first day of [*insert date for payment*] in each year, beginning the first payment thereof on the first day of [*insert date*] and so forth 25



A.D. 1875.

thereafter, and which annuity is preferably secured on the property and works vested in the said commissioners under "The Burghs Gas Supply (Scotland) Act, 1875," and to be acquired or constructed by them, and on the several rates and revenues to be levied  
5 and received by them under that Act.

Dated this                      day of                      one thousand eight  
hundred and

[Signed by two commissioners and the  
treasurer or clerk.]

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10                      SCHEDULE (D.)

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*Form of Transfer of Annuity Certificate.*

I *A.B.* [*name and designation*], in consideration of the sum  
of                      pounds [*or other consideration, as*  
15 *the case may be,*] paid to me by *C.D.* [*name and designation*],  
do hereby transfer to the said *C.D.*, and his executors, administrators, or assignees, the annuity of  
pounds secured by annuity certificate No. [*as the case may be*]  
of "The [*insert the name of burgh*] Gas Annuities," created  
20 under and by virtue of "The Burghs Gas Supply (Scotland) Act,  
1875," now standing in my name in the books of the gas commissioners of [*insert name of burgh*] with the rights and privileges and  
subject to the conditions and provisions specified in the said Act.  
And I the said *C.D.* do hereby agree to hold the said annuity,  
25 subject to the same conditions and provisions. In witness whereof  
[*insert testing clause according to the form of the law of Scotland,*  
*if executed in Scotland, and if executed in England or elsewhere*  
*the form of attestation used in England*].

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SCHEDULE (E.)

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30                      *Form of Mortgage.*

Mortgage No.

By virtue of "The Burghs Gas Supply (Scotland) Act, 1875,"  
we, the gas commissioners acting under the authority of the said  
Act for the burgh of [*insert the name of the burgh*], in con-  
35 sideration of the principal sum of [*specify amount*] paid by [*name*  
[211.]                      E

A.D. 1875. *and designation of mortgagee*] to the treasurer to the said commissioners for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*as the case may be*], the property and works vested and hereafter to be vested in the said commissioners, 5 and the rates and charges to be levied by them under the authority of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall 10 thereafter in virtue hereof remain as a loan to the said commissioners, for the purposes aforesaid, until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids and by the treasurer to the 15 said commissioners, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of said mortgagee or his aforesaids, or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above 20 mentioned (being at the rate of [*specify rate*] per centum per annum), the said commissioners shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same 25 respectively, and such delivery shall be a sufficient receipt and discharge to the said commissioners for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said commissioners shall not be bound to recognize or register, any partial assignation of these 30 presents, or of the sums of money, principal or interest, herein contained; and that the said commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, 35 release, assignation, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to law of Scotland*].

[*Signed by three commissioners and treasurer.*]

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A.D. 1875.

### SCHEDULE (F.)

*Form of Interest Warrant.*

[*Name of burgh*] Gas.

Mortgage No. \_\_\_\_\_, dated \_\_\_\_\_ 18 \_\_\_\_\_.

5 Interest Warrant—

				£	s.	d.
For	pounds		shillings			
and	pence	-	-			
	Less income tax	-	-			

10 £

Payable on \_\_\_\_\_ eighteen hundred and \_\_\_\_  
at the \_\_\_\_\_.

**Treasurer.**

### SCHEDULE (G.)

*Form of Discharge.*

[*Name of burgh*] Gas.

Received from the treasurer to the gas commissioners acting under "The Burghs Gas Supply (Scotland) Act, 1875," on their behalf, the sum of £ 100 0 0, being the principal sum

20 contained in the within mortgage (all interest due thereon having been paid), and the said mortgage is now delivered up as paid.

Dated this                      day of                      eighteen  
hundred and                      .

**Burghs and Populous  
Places (Scotland) Gas  
Supply (No. 2).**

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A

**B I L L**

[AS AMENDED IN COMMITTEE]

To make provision for lighting Burghs  
and Populous Places in Scotland with  
Gas.

*(Prepared and brought in by  
Sir Windham Austrother, Mr. Orr Ewing,  
Mr. Grieece, and Mr. William Holms.)*

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*Ordered, by The House of Commons, to be Printed,  
17 June 1875.*

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[Bill 211.]

*Under 5 oz.*



A

## B I L L

TO

Amend the Burial Laws.

A.D. 1875.

WHEREAS it is expedient to amend the law of burial in England :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *After the passing of this Act*, any person or persons having the charge of or being responsible for the burial of a deceased person may give twenty-four hours notice in writing, indorsed on the outside "Notice of Burial," to or leave at the usual place of abode of the rector, vicar, or other incumbent, or in his absence to the officiating minister in charge of any parish or ecclesiastical district, or any person appointed by him to receive such notice, that it is intended that such deceased person shall be buried within the churchyard or graveyard of such parish or ecclesiastical district without the service prescribed by law for the burial of the dead according to the rites of the Church of England; and after receiving such notice, no rector, vicar, incumbent, or officiating minister shall be liable to any censure or penalty, ecclesiastical or civil, for permitting any such burial as aforesaid.

After passing of Act, notice may be given that burial will take place in churchyard without the rites of the Church of England.

2. Such notice shall state the time at which such burial is proposed to take place, and in case the time so named be inconvenient on account of some other service having been previously to the receipt of such notice appointed to take place in such churchyard or graveyard, or the church or chapel connected therewith, the person receiving the notice shall, unless some other day or time shall be mutually arranged, within *eighteen hours* from the time of receiving such notice, signify in writing, to be delivered to or left at the usual place of abode of the person from whom such notice has been received, at which hour of the day named in the notice such burial

Time of burial to be stated, and to be subject to variation by incumbent.

[Bill 11.]

# Burials.

A

## B I L L

To amend the Burial Laws.

(Prepared and brought in by  
*Mr. Osborne Morgan, Mr. Shap Lefevre,  
Mr. M Arthur, and Mr. Richard.*)

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 11.]

*Under 1 oz.*

## A

## B I L L

## INTITULED

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright. A.D. 1875.

WHEREAS by an Order of Her Majesty in Council, dated the 7th day of July 1868, it was ordered that all prohibitions contained in Acts of the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada :

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled an "Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon :

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured ; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as The Canada Copyright Act, 1875. Short title  
of Act.

[Bill 246.]

A

A.D. 1875.

Definition  
of terms.

2. In the construction of this Act the words "book" and "copyright" shall have respectively the same meaning as in the Act of the fifth and sixth years of Her Majesty's reign, chapter forty-five, intituled "An Act to amend the Law of Copyright."

Her Majesty  
may assent  
to the Bill in  
schedule.

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as contained in the schedule to this Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding. 5 10

Colonial re-  
prints not  
to be im-  
ported into  
United  
Kingdom.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorised by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions. 15 20 25

Order in  
Council of  
7th July 1868  
to continue  
in force  
subject to  
this Act.

5. The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.



A.D. 1875.

## SCHEDULE.

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### *An Act respecting Copyrights.*

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 5     1. The Minister of Agriculture shall cause to be kept in his office books to be called the “Registers of Copyrights,” in which proprietors of literary, scientific, and artistic works or compositions may have the same registered in accordance with the provisions of this Act.
- 10     2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms, being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed and accepted by the said Minister of
- 15     Agriculture shall be held valid so far as relates to all official proceedings under this Act.
3. If any person prints or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor
- 20     first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any court of competent jurisdiction.
4. Any person domiciled in Canada, or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty
- 25     with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing,
- 30     reprinting, publishing, reproducing, and vending such literary, scientific, or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner herein-after directed:
- 35     (2.) The condition for obtaining such copyright shall be that the said literary, scientific, or artistic works be printed and published, or reprinted or republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time or contemporaneously with or sub-

A.D. 1875.

sequently to publication or production elsewhere: provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.

(3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistic work shall be the legitimate subject of 5 such registration or copyright.

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors when the work has been originally composed and made by more than one person, be still living, or being dead has left a widow or a child or children living, the same exclusive right shall be continued to such 10 author, or, if dead, then to such widow and child or children (as the case may be) for the further term of fourteen years; but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such 15 renewed copyright.

6. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette."

7. No person shall be entitled to the benefit of this Act unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for 20 that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made from time to time as hereinbefore provided.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving 30 aforesaid, to be deposited in the Library of the Parliament of Canada.

9. No person shall be entitled to the benefit of this Act, unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, 35 musical composition, print, cut, engraving, or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings, or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the " year , by A.B., in the office of the Minister 40 " of Agriculture." But as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

10 Pending the publication or republication in Canada of a literary, scientific, or artistic work, the author, or his legal representatives or assigns, 45 may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for

A.D. 1875.

publication or republication in Canada, the said title or designation to be registered in an interim copyright register in the said office, to secure to the author aforesaid, or his legal representatives or assigns, the exclusive rights recognised by this Act, previous to publication or republication in Canada ;  
5 the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once  
10 in the "Canada Gazette."

(3.) A literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act while it is so preliminarily published, provided that the title  
15 of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875 ;" but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act.  
20

(4.) The importation of newspapers and magazines published in foreign countries, and containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such  
25 copyright exists shall not be prohibited.

11. If any other person after the interim registration of the title of any book according to this Act within the term herein limited, or after the copyright is secured, and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published,  
30 or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof first had and obtained by assignment, or knowing the same to be so printed or imported publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, such offender shall forfeit every copy of such  
35 book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed for sale, contrary to the intent of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; of which penalty one moiety shall be to  
40 the use of Her Majesty, and the other to the legal owner of such Copyright, and such penalty may be recovered in any court of competent jurisdiction.

12. If any person after the recording of any painting, drawing, statue, or other work of art within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made, or sold, in whole or in part,  
45 copies of the said works of art without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which



A.D. 1875. such reproduction has been made, and also every sheet thereof so copied, printed, or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction. 5

13. If any person, after the recording of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches, or works, sells or copies, or causes to be engraved, etched, or copied, made or sold, either in the whole or by varying, adding to, or diminishing the main design with intent to evade the law, or prints, or reprints, or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph, or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published or exposed for sale contrary to the true intent and meaning of this Act, such sum not being less than ten cents nor more than one dollar as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction. 10 15 20 25 30

14. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

15. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada under any Canadian or Provincial Act, shall, upon being printed and published or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there. 35 40

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom, any person who may have previous to the date of entry of such work upon the registers of copyright imported any foreign reprints, shall have the privilege of disposing of such reprints by sale or otherwise, the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction. 45



A.D. 1875.

16. Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

17. If any person, not having legally acquired the copyright of a literary, scientific, or artistic work, inserts in any copy thereof printed, produced, reproduced, or imported, or impresses on any such copy that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian Copyright in relation thereto, every person so offending shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

(2.) If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish or reprint and republish the same within the time prescribed, he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

18. The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate, and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee herein-after provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with the certificate of registration, to the party depositing it.

19. In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced, maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

21. All copies or extracts certified from the officer of the Minister of Agriculture shall be received in evidence without further proof, and without production of the originals.

A.D. 1875.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies, and the royalty to be paid on each to the copyright owner. 5

23. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright, may be made in the name of the author or of his legal representative by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanor, and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction. 10

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly. 15

25. If a book be published anonymously it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be. 20

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books unless the same shall contain very important alterations or additions. 25

27. No act or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes herein-after mentioned shall be entertained; that is to say, 30

	Dol.	c.	
On registering a copyright	-	1	00
On registering an interim copyright	-	0	50
On registering a temporary copyright	-	0	50
On recording an assignment	-	1	00
On certified copy of registration	-	0	50
On registering any decision of a court of justice, for every folio	0	50	

On office copies of documents not above mentioned, the following charges shall be made :

	Dol.	c.	
For every single or first folio certified copy	-	0	50
For every subsequent one hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred)	-	0	25

(2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture, or by any person employed by him in pursuance of this Act. 45

(3.) All fees received under this Act shall be paid over to the Receiver A.D. 1875.

General and form part of the Consolidated Revenue Fund of Canada.

No fees shall be made the subject of exemption in favour of any person, and no fee exacted by this Act, once paid, shall be returned to the person who paid it.

5

28. "The Copyright Act of 1868," being the Act thirty-first Victoria, chapter fifty-four, and all other Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

10

29. All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

15

30. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

A

# BILL

INTITLED

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

(Brought from the Lords 8 July 1875.)

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*Ordered, by The House of Commons, to be Printed,*  
9 July 1875.

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[Bill 246.]

*Under 2 oz.*



A  
B I L L

TO

Amend the Acts relating to Chelsea Bridge.

A.D. 1875.

WHEREAS it is expedient to amend the Act of the twenty-first and twenty-second years of Her Majesty, chapter sixty-six, intituled "An Act to amend the Act of the ninth and tenth years of Her present Majesty, chapter thirty-nine, and to abolish  
5 " foot passenger tolls on Chelsea Bridge after payment of the sum  
" of eighty thousand pounds and interest:"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and  
10 by the authority of the same, as follows:

1. There shall be repealed, without prejudice to anything done thereunder, so much of section two of the said Act as provides for the exemption of foot passengers from toll on Sundays, Easter Mondays, Whit Mondays, and Christmas days, and in place thereof, be  
15 it enacted that from and after the passing of this Act toll shall not be demanded or taken for or in respect of foot passengers passing over or on to the said bridge on the several days mentioned in the schedule to this Act.

2. Whereas in anticipation of the provisions of this Act no tolls  
20 were taken for or in respect of foot passengers passing over or on to the said bridge on Monday the third day of August one thousand eight hundred and seventy-four, which was a Bank holiday:

It is hereby enacted that the said bridge shall be deemed to have  
25 been free from foot passenger tolls on the said third day of August  
one thousand eight hundred and seventy-four.

A.D. 1875.

SCHEDULE.DAYS ABOVE REFERRED TO.

Sunday.

Good Friday.

Easter Monday.

5

The Monday in Whitsun week.

The first Monday in August.

Christmas Day.

The twenty-sixth day of December, or if that day fall on a Sunday the  
twenty-seventh day of December. 10

Any day appointed to be a bank holiday in the Metropolis in pursuance of  
section four of the Bank Holidays Act, 1871.

Any day appointed by Her Majesty in pursuance of section five of the Bank  
Holidays Act, 1871, as amended by section three of the Holidays Extension  
Act, 1875, to be a bank holiday in substitution for certain of the above-men- 15  
tioned days as in the said Acts on that behalf mentioned shall be substituted  
for that day for the purposes of this Act.



# Chelsea Bridge.

A

## B I L L

To amend the Acts relating to Chelsea  
Bridge.

(Prepared and brought in by  
*Lord Henry Lennox and Mr. William  
Henry Smith.*)

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*Ordered, by The House of Commons, to be Printed,  
9 July 1875.*

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[Bill 249.]

*Under 1 oz.*



A

## B I L L

TO

Empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to convey certain Lands and Premises to the Commissioners of Chelsea Hospital; and for other purposes relating thereto. A.D. 1875.

**W**HEREAS certain of the lands and premises now used or occupied as and for the Royal Hospital for Soldiers at Chelsea for the purposes of the said institution, or belonging or appertaining thereto, and certain other lands adjoining or near thereto, 5 described in the schedule to this Act annexed, are now the property of Her Majesty, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues (in this Act called the "Commissioners of Woods"), or one of them; and it is expedient that the Commissioners of Woods, or one of them, should 10 be empowered to convey the same to the Commissioners of the said hospital in trust for the benefit of the said hospital for ever and for the purposes of the said institution :

And whereas by The Thames Embankment (Chelsea) Act, 1868, it was provided that it should "be lawful for Her Majesty, 15 " her heirs and successors, or the Commissioners for the time being " of Her Majesty's Woods, Forests, and Land Revenues, or any " lessees or tenants under Her Majesty, to construct any vaults or " cellars under the embankment or roadway to be constructed upon " the land coloured brown upon the Crown plans" (therein 20 described), "and also to have access to and make any openings into " such roadway from the land coloured red on the said Crown plans:"

And whereas the said land coloured red on the said Crown plans (excepting a small portion thereof containing about three hundred and fifty square feet which has been thrown into the 25 roadway on the said embankment) are a part of the lands which the Commissioners of Woods, or one of them, are or is intended by this Act to be authorised to convey to the Commissioners of the said hospital; and it is expedient that upon any such conveyance the Commissioners of the said hospital should have

[Bill 193.]

A

A.D. 1875. — similar powers of constructing vaults or cellars under the said embankment or roadway, and of having access to and making openings into such roadway :

And whereas it is expedient to empower persons to grant, give, and appoint property to be held for the benefit of the said hospital 5 and for the purposes of the said institution, and to authorise the Commissioners of the said hospital to hold and manage the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 10 by the authority of the same, as follows ; (that is to say,)

Short title. 1. This Act may be cited for all purposes as "The Chelsea Hospital (Lands) Act, 1875."

Power for Commissioners of Woods to convey. 2. It shall be lawful for the Commissioners of Woods, or either of them, and they or he are and is hereby empowered to grant and convey 15 all the lands and premises described in the schedule to this Act annexed, and the inheritance thereof in fee simple, unto and to the use of the Commissioners of the said hospital for the time being and their successors, subject to all leases of the same existing at the time of such grant and conveyance, and to all rights of way and other 20 rights affecting the same at such time as aforesaid, in trust for the benefit of the said hospital and for the purposes of the said institution ; and such grant and conveyance shall be valid and sufficient to pass all the estate, right, and interest of Her Majesty, her heirs or successors, in and to the said lands and premises to the 25 Commissioners of the said hospital for the time being and their successors for the estate, to the use, upon the trusts, and for the intents and purposes herein-before mentioned.

Power for Commissioners of hospital to make vaults, &c. 3. Upon the execution of a grant and conveyance by the Commissioners of Woods, or one of them, of the said lands and premises 30 to the Commissioners of the said hospital under the provisions of this Act, it shall be lawful for the Commissioners of the said hospital for the time being and their successors, or for any lessees or tenants under them, at any time thereafter to construct any vaults or cellars under the embankment or roadway constructed or to be 35 constructed upon the lands coloured brown on the Crown plans referred to in The Thames Embankment (Chelsea) Act, 1868, and deposited at the Office of Land Revenue Records and Inrolments as directed by the said Act, and also to have access to and to make any openings into such roadway from so much of the land coloured 40 red on the said Crown plans as shall be included in the said grant and conveyance ; and upon such execution as aforesaid all powers

by the said Thames Embankment (Chelsea) Act, 1868, conferred upon Her Majesty, her heirs or successors, or the Commissioners of Woods, or either of them, or any lessees or tenants under Her Majesty, with respect to the said embankment or roadway, shall  
 5 absolutely cease and determine. A.D. 1875.

4. Any person may, notwithstanding any statute passed or to be passed restraining alienation in mortmain or dispositions for charitable uses, by deed or testamentary grant give or appoint any property for any estate or interest for which he is empowered to  
 10 dispose thereof, to be held for the benefit of the said hospital and for the purposes of the said institution, and the same (according to the nature and quality of such property) shall be held by the Commissioners of the said hospital for the time being and their successors in trust for the benefit of the said hospital and for the  
 15 purposes of the said institution.

The Commissioners of the said hospital and their successors shall, as to lands granted or given to them under the authority of this section, have full power and authority to let, sell, or exchange the same or any part of the same, at such rents, for such considerations,  
 20 and in such manner as they shall deem most beneficial for the said hospital and institution, and for such purpose to make and execute all acts, deeds, matters, and things requisite or necessary; and the Commissioners of the said hospital and their successors shall, as to personal property held by them under the  
 25 authority of this section, have full power from time to time to lay out or invest the same or any part of the same in the purchase of any bank annuities, or in or on any stocks, funds, or securities, the principal or interest whereof is charged on or payable, by way of guarantee or otherwise, out of the revenues of the United  
 30 Kingdom or of India, or on mortgage of freehold lands in the United Kingdom, or, with the approval in each instance of the Commissioners of Her Majesty's Treasury, in or on any other stocks, funds, or securities, or, with the like approval, in the purchase of lands.

35 Lands taken in exchange or purchased by the said Commissioners under the authority of this section shall be conveyed to the Commissioners of the said hospital for the time being and their successors, and the same shall be held in the same manner, and with and under and according to the same powers, restrictions, and  
 40 provisions, as lands granted or given to the said Commissioners under the authority of this section.

The income derived from time to time by the Commissioners of the said hospital and their successors from any property held by

Devises, &c.,  
 for hospital,  
 and manage-  
 ment of  
 property.



A.D. 1875. — them under the authority of this Act shall be held by them in trust for the benefit of the said hospital and for the purposes of the said institution.

General  
saving.

5. Saving always to all persons, bodies politic or corporate, and their respective heirs, executors, administrators, successors, and assigns, (other than Her Majesty, her heirs and successors, and the Commissioners of Woods,) all such estates, rights, titles, claims, and demands whatsoever as they respectively have at the passing of this Act, or might or could have had if this Act had not passed. 5



SCHEDULE to which the foregoing Act refers.

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All those several pieces or parcels of land with the buildings thereon situated in or adjacent to the parishes of St. Luke, Chelsea, and St. Mary Abbots, Kensington, containing together about 43½  
5 acres, and coloured pink upon a plan which has been signed by the Honorable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and Major General George Hutt, secretary of the Royal Hospital, Chelsea, and is deposited in the Office of Land Revenue Records and Inrolments.

# Chelsea Hospital (Lands).

A

## B I L L

To empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to convey certain Lands and Premises to the Commissioners of Chelsea Hospital; and for other purposes relating thereto.

*(Prepared and brought in by  
Mr. Stephen Cave and Lord Henry Lennox.)*

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*Ordered, by The House of Commons, to be Printed,  
3 June 1875.*

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[Bill 193.]

*Under 1 oz.*

## A

## B I L L

## INTITULED

An Act for further amending the Law relating to Chimney Sweepers. A.D. 1875.

[NOTE.—*The clauses and words printed in red ink are proposed to be inserted in Committee.*]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as The Chimney Sweepers Act, 1875. Short title.

2. This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and seventy-five. Commence-  
ment of Act.

10 3. This Act shall not extend to Scotland. Extent of  
Act.

4. In this Act—

“Justice” means a justice of the peace or magistrate having jurisdiction in the county or place where the matter requiring the cognisance of a justice arises : Interpreta-  
tion.

15 “Court of summary jurisdiction” means justices or magistrate (however designated) acting under the Summary Jurisdiction Acts described in the schedule to this Act.

*Certificates.*

5. The chief officer of police in each police district, as defined in the schedule to this Act, may, subject to the provisions of this Act, issue a certificate authorizing the person therein named to carry on the business of a chimney sweeper in the district. Certificate to  
be issued by  
police.

6. A person desirous of having a certificate for a district may apply for one to the chief officer of police for the district, by Application  
for and issue  
of certificate.

[Bill 208.]

A

A.D. 1875. delivering the application at the police station for the district nearest to the applicant's dwelling-place.

The application shall be in the form given in the schedule to this Act, or to the like effect, and shall set forth the particulars therein indicated. 5

Thereupon a certificate shall be delivered to the applicant in the form given in the schedule to this Act, or to the like effect, signed by the chief officer of police.

Certificate  
for partners.

7. Where two or more persons carry on the business of a chimney sweeper in partnership, it shall be sufficient for them to have one certificate for all the partners, and the forms given in the schedule to this Act may be altered accordingly. 10

Journeyman  
and assistant  
exempted.

8. Notwithstanding anything in this Act, it shall not be necessary for a person who carries on the business of a chimney sweeper, in the capacity only of a journeyman or of assistant to a master chimney sweeper, to have a certificate. 15

CLAUSE A  
Fee on  
certificate.

Every person to whom a certificate is issued shall on the issue thereof pay a fee of two shillings and sixpence.

The fees received shall be applied as penalties under this Act are applicable. 20

Duration of  
certificate.

9. Every certificate shall be dated the day of issue, and shall be in force for one year from its date, and no longer.

Uniform  
period for  
certificates.

10. One of Her Majesty's Principal Secretaries of State may, if he thinks fit, direct that all certificates be made to expire yearly on the same day. 25

If he does so, he shall provide—

(1.) In the case of a certificate issued for less than a year, for apportionment of the fee payable thereon:

(2.) For the issue of a certificate instead of a certificate lost or destroyed, and apportionment of the fee payable thereon. 30

Register of  
certificates.

11. Each chief officer of police shall keep a register of the certificates issued by him.

It shall be in such form and shall shew such particulars as one of Her Majesty's Principal Secretaries of State from time to time directs, and every such register shall be presumed to be in conformity with such directions until the contrary is shown. 35

An entry in it, and a copy of such an entry purporting to be certified as a true copy by the chief officer of police, and a statement purporting to be signed by the chief officer of the absence of such an entry in any case, shall be evidence of the matters therein appearing. 40



*Offences.*

A.D. 1875.

**12.** It shall not be lawful for any person to carry on the business of a chimney sweeper in any district without having a certificate for the district.

Penalty for acting as chimney sweeper without certificate.

**5** If any person acts in contravention of this section he shall be guilty of an offence against this Act, and shall, on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding ten shillings, and for every subsequent offence to a penalty not exceeding twenty shillings.

**10** **13.** Every person carrying on the business of a chimney sweeper shall, when required by any person for whom he acts or offers to act as a chimney sweeper, or by any justice, or constable or peace officer, give his name and address.

Obligation to give name and address.

If any person fails so to do, or gives a false name or false address, **15** he shall be guilty of an offence against this Act, and shall, on conviction thereof in a court of summary jurisdiction, be liable to a penalty not exceeding ten shillings.

**14.** Where a person carries on the business of a chimney sweeper, he shall, on demand, produce and shew his certificate (if **20** any) to any person for whom he acts or offers to act as a chimney sweeper, and to any justice, or constable or peace officer, and allow it to be read and copied by the person to whom it is produced.

Production of certificate on demand.

If he fails to do so he shall be guilty of an offence against this **25** Act, and shall on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding ten shillings, and for every subsequent offence to a penalty not exceeding twenty shillings.

The person demanding production, and any person acting by his **30** request or order, and in his aid, may apprehend the offender, and forthwith convey him, or cause him to be conveyed, before a justice, provided the name or address of the offender is unknown to and cannot be ascertained by the person demanding production.

**15.** It shall not be lawful for a person having a certificate to **35** lend or transfer it to another.

Certificate not to be assigned.

It shall not be lawful for any person to borrow, accept, or use a certificate issued to another.

If any person acts in contravention of this section he shall be guilty of an offence against this Act, and shall for every such **40** offence, on conviction thereof in a court of summary jurisdiction, be liable to a penalty not exceeding twenty shillings.

A.D. 1875.

Penalty for  
false repre-  
sentations,  
&c.

**16.** If any person does any of the following things he shall be guilty of an offence against this Act :

- (1.) If he makes, or procures to be made, or aids in making, a false statement or representation, knowing it to be false, in any application for a certificate ; 5
  - (2.) If he fabricates, or counterfeits, or alters, or procures to be fabricated, or counterfeited, or altered, or aids in fabricating, or counterfeiting, or altering a certificate ;
  - (3.) If he carries, produces, or shews, a fabricated, or counterfeited, or altered certificate, knowing it to be such : 10
- and every person so offending shall, on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding forty shillings, and for every subsequent offence to the like penalty, with or without imprisonment for a term not exceeding six months, with or without hard labour, or to such 15 imprisonment alone, with or without hard labour.

Deprivation  
of certificate  
on convic-  
tion under  
former Acts.

**17.** If any person having a certificate is convicted of an offence against The Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, or either of them, the court or justice before whom he is convicted may, if it seems fit, deprive him of his certificate 20 for the residue of the current year ; but the deprivation shall be suspended pending any appeal under section eleven of The Chimney Sweepers and Chimneys Regulation Act, 1840, and shall be in the discretion of the court of appeal in case the conviction is confirmed.

Duty of  
police to  
enforce  
former Acts.

**18.** The chief officer of police shall enforce and put in execution 25 The Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, without prejudice to the right of any other person to institute proceedings thereunder.

#### *Ireland.*

Powers of  
Lord Lieu-  
tenant.

**19.** In Ireland the Lord Lieutenant or other chief governor or 30 governors of Ireland for the time being shall have power and authority under this Act in lieu of one of Her Majesty's Principal Secretaries of State.

CLAUSE B.  
Application  
of penalties.

Penalties recovered in Ireland shall be applied according to 35 The Fines Act (Ireland), 1851, or any Act amending the same.

#### *Savings.*

Saving for  
Vagrant Act.

**20.** A person shall not be exempt from the provisions of any Act relating to idle or disorderly persons, or to rogues or vagabonds, by reason only that he has a certificate under this Act, or assists or accompanies a person having such a certificate. 40

21. Nothing in this Act shall interfere with the operation of any other Act in force in any city, town, or other place, or take away or abridge any power vested in any local authority by any general or local Act.

A.D. 1875.  
Saving for  
local Acts  
and local  
authorities.

5

## THE SCHEDULE.

### PART I.

#### POLICE DISTRICTS AND OFFICERS.

	Police District.	Chief Officer of Police.
<i>In England.</i>		
10	The city of London, and the liberties thereof, exclusive of Southwark.	The Commissioner of Police of the City.
	The Metropolitan Police District	The Commissioner of Police of the Metropolis.
15	Any county, any riding, parts, division, or liberty of a county, any borough, or town maintaining a separate police force.	The chief constable or head constable, or other officer, by whatever name called, having the chief command of the police in the district.
<i>In Ireland.</i>		
20	The police district of Dublin metropolis	Either of the commissioners of police for the district.
	Any district, whether city, town, or county, over which is appointed a sub-inspector of the Royal Irish Constabulary.	The sub-inspector.
25	All the police under one chief constable constitute one police force for the purposes of this schedule.	

A.D. 1875.

## SUMMARY JURISDICTION ACTS.

11 & 12 Vict. c. 43.—An Act to facilitate the performance of the duties or Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders.

Within the police district of Dublin metropolis, the Acts relating to the powers and duties of justices for that district or the police of their district. 10

Elsewhere in Ireland, The Petty Sessions (Ireland) Act, 1851.

Any Acts amending the same.

## PART III.

## FORMS.

(A.)—*Application for Certificate.*

I *A.B.* [*names of applicant in full*] of [*dwelling-place*] hereby apply for a certificate under The Chimney Sweepers Act, 1875, to authorize me to act as a chimney sweeper within \_\_\_\_\_ police district; and I declare that the following statement is true and correct:

Names of all Apprentices and others in my employment.	Ages of those under 21.	Date and Term of Apprenticeship.	20
<i>A.B.</i> Apprentice - -	17	.....187 [        ] years.	
<i>C.D.</i> Journeyman - -	.....	.....	25
<i>E.F.</i> - - - -	.....	.....	

Dated this

day of

18 .  
(Signed) *A.B.*



(B.)—*Certificate.*

A.D. 1875.

In pursuance of The Chimney Sweepers Act, 1875, I hereby certify that  
*A.B. [names of applicant in full]* of , in the county of

5 sweeper within the , is authorized to carry on the business of a chimney  
police district for one year, reckoned  
from the date of this certificate.

Dated the                      day of

18 .

(Signed) *C.D.*

Police Officer.

# Chimney Sweepers. [H.L.]

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A

## B I L L

INTRODUCED

An Act for further amending the Law  
relating to Chimney Sweepers.

(*Brought from the Lords 10 June 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
10 June 1875.*

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[Bill 208.]

*Under 2 oz.*

# Church Patronage Bill. [H.L.]

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Short title.
2. Commencement of Act.
3. Extent of Act.
4. Abolition of donatives.
5. The bishop may refuse to institute a presentee who is more than seventy-five years of age.
6. The bishop may refuse on ground of physical incapacity.
7. The bishop may require a testimonial.
8. Notice to parishioners.
9. Notice when the benefice is collative.
10. All statements as to clerk to be privileged communications.
11. Lapse.
12. Exchange of benefices.
13. Registration of grants of advowsons, &c.
14. Payment of interest on purchase money of advowson illegal.
15. Repeal of 9 Geo. 4. c. 94.
16. The patron may forbid the sale of presentations in certain cases.
17. Interpretation of terms.

### SCHEDULE.

---





A

## B I L L

INTITULED

An Act to amend the Laws relating to Patronage, Simony, and Exchange of Benefices in the Church of England. A.D. 1875.

**W**HEREAS it is expedient to amend the laws relating to patronage, simony, and exchange of benefices in the Church of England :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows :

1. This Act may be cited as The Church Patronage Act, 1875. Short title.

2. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-six. Commencement of Act.

3. This Act shall extend to that part of the United Kingdom called England, and to the Channel Islands. Extent of Act.

4. From and after the commencement of this Act all donative benefices shall become presentative benefices, and shall be subject in all respects to the laws which may be in force in relation to presentative benefices and to the patrons and incumbents thereof; provided that it shall not be necessary for any person who has been admitted to a donative benefice before the commencement of this Act to be instituted and inducted thereto; but he shall have and enjoy all such rights and privileges and be subject to all such visitation and jurisdiction as if he had been instituted and inducted to such benefice after the commencement of this Act. Abolition of donatives.

5. From and after the commencement of this Act the bishop may, if he think fit, refuse, without assigning further reasons, to institute a presentee on the ground that he is at the date of such presentation more than seventy-five years of age. The bishop may refuse to institute a presentee who is more than seventy-five years of age.

A.D. 1875.

The bishop  
may refuse  
on ground of  
physical in-  
capacity.

The bishop  
may require  
a testimonial.

6. From and after the commencement of this Act the bishop may refuse to institute a presentee on the ground that he is incapacitated by mental or bodily infirmity from the due performance of the duties of the benefice to which he has been presented.

7. From and after the commencement of this Act the bishop may refuse to institute a presentee who does not transmit to the bishop a sufficient testimonial, under the hands of three beneficed clergymen, of his former good life and behaviour.

Notice to  
parishioners.

8. Unless the bishop shall have refused to institute a presentee he shall, within one month after the receipt by him of the presentation, and before institution, issue and deliver or send by post a mandate to the officiating minister of every church within the parish of which the presentee would, if instituted, become the incumbent, and to one of the churchwardens of such parish, requiring each such minister, on the two Sundays next after the receipt of such mandate, to read in the church in which he is officiating, at a time mentioned in such mandate, a notice in the form contained in the Schedule to this Act, and requiring such churchwarden to see that during the days intervening between the Sundays on which the notice is to be read as aforesaid, such notice is affixed to one of the outer doors of every church within such parish.

The officiating minister and churchwarden shall thereupon comply with the directions contained in the mandate, and shall, on the day following the second Sunday named in such mandate, return the notice to the registry, together with a certificate that they have duly complied with the mandate.

Notice  
when the  
benefice is  
collative.

9. When the bishop is patron of the benefice, or gains the right of patronage by lapse, he shall issue a mandate as provided in the last preceding section, and shall insert in the notice transmitted therewith in lieu of the name of a presentee the name of the person whom he proposes to collate to the benefice.

All state-  
ments as to  
clerk to  
be privileged  
communi-  
cations.

10. Any statement or communication, either verbal or in writing, made to a bishop in reference to the character or conduct of a presentee, or of the person whom the bishop proposes to collate to a benefice, whether made in answer or not in answer to an inquiry of the bishop, shall be deemed to be in the nature of a communication privileged in law.

Lapse.

11. In reckoning the date at which the right to collate by lapse shall incur, no account shall be taken of any of the following periods:—

(1.) The period between the date of presentation of any clerk in Holy Orders to the bishop and the acceptance or refusal by the bishop of such presentee :

(2.) The period between the refusal by the bishop of a presentee and the final determination of any proceedings taken on such refusal. A.D. 1875.

12. If the right to present or collate to any benefice is vested in more than one person, and if such persons have by agreement or otherwise the right to present or collate in turns, and if a vacancy is caused in such benefice by the resignation of the incumbent thereof, in view of an exchange, and if all the patrons of such benefice consent to such exchange, by writing under their hands and seals, then in such case the presentation or collation of the person with whom the late incumbent of the benefice has covenanted to exchange shall not count as a presentation or collation by the patron whose turn it would be to present or collate to such benefice but the turn of such patron shall be deemed to be postponed.

Exchange  
of benefices.

13. From and after the commencement of this Act every deed, covenant, or agreement granting or affecting for a pecuniary consideration the advowson of a benefice, or the right of presenting to the next or any subsequent avoidance or avoidances of such benefice shall, within one month after the date of such deed, covenant, or agreement, be registered in the registry of the diocese in which the benefice is situated; and any such deed, covenant, or agreement not so registered within such period shall, so far as regards such advowson or the right of presenting to any avoidance of such benefice, be to all intents and purposes void.

Registra-  
tion of  
grants of  
advowsons,  
&c.

The registration of every such deed, covenant, or agreement shall be effected by an entry in a book to be called "The Register of Grants of Advowsons and Presentations," stating the date of and parties to such deed, covenant, or agreement, and the short material contents thereof so far as relates to such advowson or right of presentation. The registrar shall indorse on every such deed, covenant, or agreement a certificate of the registration, and shall be entitled to a fee of five shillings, to be paid by the person requiring the registration; and such book shall be open to inspection on the payment of a fee of one shilling.

14. From and after the commencement of this Act it shall not be lawful for the grantor of the advowson of any benefice to covenant to pay to the grantee of such advowson, or to any person on his behalf, any sum of money by way or in lieu of interest on the money paid as the consideration for the grant of such advowson; and any grant of an advowson of a benefice in reference to which such covenant shall have been made by deed or otherwise shall be to all intents and purposes void.

Payment of  
interest on  
purchase-  
money of  
advowson  
illegal.



A.D. 1875.

Repeal of  
9 Geo. 4.  
c. 94.

**15.** From and after the commencement of this Act the Act of the ninth year of the reign of King George the Fourth, chapter ninety-four, intituled "An Act for rendering valid bonds, covenants, and other assurances for the resignation of ecclesiastical preferments in certain specified cases," shall be repealed; 5 provided that such repeal shall not affect the validity of any engagement made, given, or entered into, under the provisions of the said Act by a deed, instrument, or writing, dated before the commencement of this Act.

The patron  
may forbid  
the sale of  
presentations  
in certain  
cases.

**16.** From and after the commencement of this Act the patron of a benefice who is the owner of the advowson in fee simple or fee-tail in possession, may, if he think fit, at any time, by depositing in the registry a deed to that effect, declare that the right of presenting to any avoidance of the benefice apart from the grant of a freehold interest in the advowson shall not at any time thenceforward be granted by any person who might otherwise have lawfully granted such right, and from and after the execution of such deed any grant, contract, covenant, or presentation made contrary to the provisions thereof shall be to all intents and purposes void. 10 15

If a patron has a life interest in a right of advowson he may exercise the powers aforesaid, with the consent of the person or persons entitled in remainder down to and including the first estate in tail or in fee; and every such person so consenting shall signify his consent by becoming a party to the deed deposited in the registry. An interest in an advowson terminable on or after the next presentation which may be made to the benefice after the grant takes effect, or at any time limited with reference to the avoidance of the benefice which may next occur after the grant takes effect, or to the presentation to be made thereon, shall not be deemed to be a freehold interest within the meaning of this section. 20 25 30

The powers given by this section shall not be exercised by any corporation sole or aggregate or by any person under disability.

Interpreta-  
tion of  
terms.  
Benefice.

**17.** In this Act the following terms shall, if not inconsistent with the context, be thus interpreted:

"Benefice" comprehends all rectories with cure of souls, vicar- 35 ages, new vicarages, perpetual curacies, donatives, public chapels, whether endowed or otherwise; parochial chapelries, and chapelries or districts belonging, or reputed to belong, or annexed, or reputed to be annexed, to any church or chapel; and shall extend to and include all benefices, the patronage of which is vested in or exercised by Her Majesty, as well in right of the Crown as in right of the Duchy of Lancaster, or otherwise howsoever: 40



- “Bishop” means, with reference to any benefice, the archbishop or bishop for the time being whose duty it would be, on a vacancy in such benefice, to institute or collate thereto, and during the vacancy of any episcopal see, the term “bishop” shall mean the archbishop of the province in which such see is comprehended, or if the archbishopric of such province is vacant such archbishop or bishop as Her Majesty may under Her Sign Manual appoint : A.D. 1875.  
Bishop.
- 5 “Church” means any church, chapel, or other place of public worship in which the minister thereof is, by law, or by the terms of license from the bishop, required to conduct divine service according to the rites of the Church of England : Church.
- 10 “Collation” includes license by the bishop, when license is given in lieu of collation : Collation.
- 15 “Institution” includes admission by the bishop of a presentee, and includes license by the bishop when license is given in lieu of institution : Institution.
- 20 “Parish” means any parish, ecclesiastical district, chapelry, or place in which the rector, vicar, or perpetual curate thereof has the exclusive cure of souls : Parish.
- 25 “Patron” means with reference to any benefice the person or corporation who is entitled to present thereto, and if the right to present to such benefice shall be vested in different persons or corporations, whether jointly or by way of alternate presentations, the term “patron” comprehends both or all such different persons or corporations in which such right of joint or alternate presentation shall for the time being be vested ; and if the right to nominate a presentee is in one person, and the right to present such presentee is in another person, the term “patron” comprehends both such persons : Patron.
- 30 “Presentee” includes a patron offering himself for institution ; and the “date of presentation” means the date at which the instrument of presentation or petition for institution was executed by the patron : Presentee,  
&c.
- 35 “Registrar” means, with reference to any benefice, the registrar or deputy registrar duly appointed of the diocese in which such benefice is situate : Registrar.
- “Registry” means, with reference to any benefice, the registry of the diocese in which such benefice is situate. Registry.

A.D. 1875.

### SCHEDULE.

### FORM OF NOTICE TO PARISHIONERS.

By direction of the lord bishop of the diocese, I hereby give notice that the Reverend *A. B.*, now \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ and diocese of \_\_\_\_\_ has been presented 5 to [nominated by] the lord bishop as the future rector [vicar, &c.] of this parish.

# BILL

A

INTITULED

An Act to amend the Laws relating to Patronage, Simony, and Exchange of Benefices in the Churche of England.

(Brought from the Lords 8 June 1875.)

*Ordered, by The House of Commons, to be Printed,  
11 June 1875.*

[Bill 207.]

*Under 102.*

# Church Rates Abolition (Scotland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Definition of terms.
2. Compulsory payment abolished.
3. Special rates not to be affected. Special rates how to be applied.
4. Rate to be continued for paying money borrowed or due.
5. Rates made before passing of this Act.
6. Not to affect the powers of heritors or presbyteries.
7. Rates may be paid voluntarily.
8. Persons in default not to vote.
9. Trustees may be appointed. Election of trustees. Constitution of trust. Trustees may pay over funds to public bodies. Trust funds may be invested. Trustees to produce accounts.
10. Short title.





A

# B I L L

TO

Abolish Church Rates in Scotland.

A.D. 1875.

**W**HEREAS it is desirable to assimilate the law respecting the compulsory levying of Church Rates within the different parts of the United Kingdom :

And whereas the levying of Church Rates in Ireland was abolished  
5 by an Act passed in the third and fourth year of His Majesty King William the Fourth, chapter thirty-seven :

And whereas the compulsory levying of Church Rates in England was abolished by an Act passed in the thirty-first and thirty-second year of Her Majesty, chapter one hundred and nine :

10 And whereas it is expedient that the compulsory payment of Church Rates in Scotland should likewise be abolished :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and  
15 by the authority of the same, as follows :

1. In this Act "Church Rate" shall mean any rate or assess- Definition of  
ment imposed or laid on for the building, rebuilding, enlargement, terms.  
or repair of any parish church, or assistant church, or manse, or for providing or enlarging any glebe :

20 The expression "church" shall include all fencing of the site whereon the church is built :

The expression "manse" shall include offices, garden, and garden walls :

The expression "parish" shall include united parishes :

25 The expression "glebe" shall include grass glebe, or minister's grass :

"Ecclesiastical purposes" shall mean any of the purposes hereinbefore defined.

A.D. 1875.

Compulsory  
payment  
abolished.

2. From and after the passing of this Act no action shall be raised, or diligence used, to enforce or compel payment of any Church Rate or assessment made in any parish or place in Scotland.

Special rates  
not to be  
affected.

3. Where, in pursuance of any General or Local Act, any rate or 5 assessment may be made and levied which is applicable partly to Church Rate purposes and partly to other purposes, such rate shall be made, levied, and applied for such last-mentioned purposes only, and, so far as it is applicable to such purposes, shall be deemed to be a separate rate, and not a Church Rate, and shall not be affected by 10 this Act.

Special rates  
how to be  
applied.

Where, in pursuance of any Act of Parliament, a mixed fund, arising partly from rates affected by this Act, and partly from other sources, is directed to be applied to purposes some of which 15 are Church Rate purposes, the portion of such fund which is derived from such other sources shall be henceforth primarily applicable to Church Rate purposes.

Rate to be  
continued  
for paying  
money bor-  
rowed or due.

4. In any parish where a sum of money is, at the time of the passing of this Act, due on the security of any Church Rate or assessment to be made or levied in such parish under the provisions 20 of any Act of Parliament, such rate or assessment may still be made and levied, and the payment thereof enforced by action or diligence, as accords of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised, and the costs incidental thereto, but not otherwise, until the 25 same shall have been liquidated; and it shall be lawful for the sheriff, upon application by summary petition to that effect, to remit to any competent person to audit the accounts of the person or persons or bodies corporate having authority to make or levy such rate, in reference to the receipt and expenditure of the moneys 30 levied under such Acts of Parliament.

Rates made  
before pass-  
ing of this  
Act.

5. Any Church Rate, or any assessment in the nature of a Church Rate, made or becoming due and payable at any time before the passing of this Act, may be collected and recovered in the same way as if this Act had not been passed. 35

Not to affect  
the powers  
of heritors or  
presbyteries.

6. This Act shall not affect the powers of heritors or presbyteries, or the making, assessing, receiving, or otherwise dealing with any Church Rate or assessment, save in so far as relates to the recovery thereof.

Rates may  
be paid  
voluntarily.

7. It shall be lawful for all bodies corporate, trustees, tutors, 40 curators, judicial factors, and other judicial officers, whether they

shall be in the occupation of any lands, houses, or tenements, or whether the same are in the occupation of the beneficiary, to pay, if they think fit, any Church Rate or assessment made in respect of such property, which, if this Act had not been passed, they would  
 5 have been liable to pay, although the payment of the same may not be enforceable after the passing of this Act; and the same shall be allowed to them in any account to be rendered by them respectively.

A.D. 1875.

8. No person who makes default in paying the amount of any Church Rate or assessment for which he is assessed shall be entitled  
 10 to inquire into or object to or vote in respect of the expenditure of the moneys arising from such Church Rate.

Persons in default not to vote.

9. A body of trustees may be appointed in any parish for the purpose of accepting by bequest, donation, contract, or otherwise, and of holding, any contributions which may be given to them for  
 15 Church Rate purposes in the parish.

Trustees may be appointed.

The trustees shall consist of the minister and of two heritors in the parish, to be chosen in the first instance, and also from time to time on any vacancy in the office occurring by death, incapacity, or resignation, the one by the patron, and the other by the presbytery  
 20 of the bounds in which the parish is situated.

Election of trustees.

The trustees shall be a body corporate, by the name of the church trustees of the parish to which they belong, having a perpetual succession and a common seal, with power to sue and be sued, and to hold and transfer property in their corporate name.

Constitution of trust.

25 The trustees may, from time to time, as circumstances may require, pay over to the heritors and kirk session of any parish, or in the case of any burgh to the town council or any other public body, any funds in their hands, to be applied by them either to the general Church Rate purposes of the parish or burgh, or to any other specific ecclesiastical purpose; and the funds so paid over may be applied  
 30 to such purpose and to no other: Provided always, that no power shall be conferred on such heritors and kirk session, or town council or other public body, to take order with regard to the ecclesiastical purposes of the parish or burgh, further or otherwise than they  
 35 are now by law entitled to do: Provided also, that due regard shall be had to the directions of the donors of funds contributed for any special Church Rate or other ecclesiastical purpose, and subject to the foresaid conditions.

Trustees may pay over funds to public bodies.

The trustees may invest in such securities as trustees may lawfully  
 40 hold any funds in their hands, and accumulate the income thereof, or otherwise deal with such funds as they think expedient, subject to the provisions of this Act.

Trust funds may be invested.



A.D. 1875.

The minister shall be the chairman of the trustees.

Trustees to  
produce ac-  
counts.

The trustees shall once at the least in every year lay before the heritors and kirk session an account of their receipts and expenditure during the preceding year, and of the mode in which such receipts have been derived, and expenditure incurred, together with a state-  
ment of the amount, if any, of funds remaining in their hands at the date of such account. 5

Short title.

**10.** This Act may be cited as the "Compulsory Church Rates Abolition (Scotland) Act, 1875."

# Church Rates Abolition (Scotland).

A

## B I L L

To abolish Church Rates in Scotland.

(Prepared and brought in by  
Mr. McLaren, Dr. Cameron, Mr. Baxter,  
Mr. Trevelyan, Mr. Griener, Mr. Laing, and  
Sir George Balfour.)

Ordered, by the House of Commons, to be Printed,  
8 February 1875.

[Bill 26.]

Under 1 oz.



A

B I L L

TO

Amend an Act passed in the Session of Parliament held in the thirty-fourth and thirty-fifth years of Her Majesty, intituled  
“ An Act for making regulations as to the Office of Clerk  
“ of the Peace for the County Palatine of Lancaster.”

A.D. 1875.

WHEREAS an Act was passed in the session of Parliament held in the thirty-fourth and thirty-fifth years of Her Majesty, for making regulations in relation to the office of clerk of the peace of the county palatine of Lancaster :

5 And whereas it is expedient that the said Act shall be amended ; be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. The power to appoint deputy clerks of the peace by the said Act given to the Chancellor of the Duchy of Lancaster for the time being shall, from and after the commencement of the said Act, be vested in and exercised by the clerk of the peace, instead of by the said Chancellor, but subject to the approval of the said
- 15 Chancellor ; and such clerk of the peace shall, out of the salary to be paid to him under the said Act, pay the salaries and expenses of the deputies so to be appointed by him.

Appointment  
of deputy  
clerks of the  
peace.





**Clerk of the Peace  
(County Palatine of  
Lancaster).**

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A

**B I L L**

To amend an Act passed in the Session of Parliament held in the thirty-fourth and thirty-fifth years of Her Majesty, intituled “An Act for making regulations as to the “Office of Clerk of the Peace for “the County Palatine of Lancaster.”

*(Prepared and brought in by  
Mr. Hardcastle, Mr. Holt, and Mr. Clifton.)*

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*Ordered, by The House of Commons, to be Printed,  
14 July 1875.*

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[Bill 257.]  
*Under 1 oz.*



A  
B I L L

TO

Remove doubts which have arisen in respect to the true interpretation of certain sections of the Common Law Procedure Act, 1852. A.D. 1875.

WHEREAS it is expedient to remove certain doubts which have arisen as to the true interpretation and meaning of those sections of the Common Law Procedure Act, 1852, herein-after mentioned :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Common Law Procedure Act Short title.  
10 Amendment Act, 1875.

2. The provisions of the Common Law Procedure Act, 1852, shall apply to foreign corporations carrying on business out of the jurisdiction of the superior courts of law in Great Britain. Application of original Act to foreign corporations.

3. The word "corporation" in the sixteenth section of the said Definition.  
15 Common Law Procedure Act, 1852, the words "person" and "defendant" in the nineteenth section of the said Act, and the words "bodies corporate" in the two hundred and twenty-seventh section of the said Act, shall include foreign corporations as aforesaid.

20 4. This Act shall be read as incorporated with, and forming part of the said Common Law Procedure Act, 1852. Interpretation.





# Common Law Procedure Act (1852) Amendment.

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A

## B I L L

To remove doubts which have arisen in respect to the true interpretation of certain sections of the Common Law Procedure Act, 1852.

*(Prepared and brought in by  
Mr. Waddy, Mr. Lopes, Mr. Charles Lewis,  
and Mr. Morgan Lloyd.)*

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 33.]

*Under 1 oz.*



A

# B I L L

TO

Provide for Compensation to Workpeople engaged in common Employment in cases of Injury by Accidents when employed. A.D. 1875.

**W**HEREAS it is expedient to amend the law relating to compensation for injuries suffered by persons in the course of their employment :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Where any action or proceeding is brought for recovery of damages or of compensation in respect of bodily injury or loss of life, alleged to have been occasioned, *after the passing of this Act*, to any person in common employment by negligence of a fellow worker or by the known deficiency of machinery or appliances on the part of an employer, such action or proceedings shall be taken before the judge of the county court of the district in which such injury or loss of life has been sustained, whose jurisdiction is hereby extended to the objects and purposes of this Act ; and it shall not be any ground of defence that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person injured or killed, or that the risk of injury or loss of life was knowingly or voluntarily incurred by the person injured or killed in the course of his employment.

Amendment of law as to compensation for injuries in course of employment.

Nothing in this Act shall be construed to render any person liable to pay damage or compensation in respect of injury to or the loss of life of any person where it is made to appear that the person injured or killed materially contributed by his own negligence to the causing of the injury or loss of life.

Proviso.

"Common employment" means any such community of employment, service, or occupation as but for this Act would be matter of defence in any such action or proceeding as aforesaid.

Interpretation.

Proviso  
limiting time  
within which  
proceedings  
must be  
taken.

Proviso for  
limiting  
amount of  
compen-  
sation.

Where  
damages re-  
covered for  
injury to a  
minor, same  
may be held  
in trust for  
his benefit.

Provided always, that no action shall be sustainable unless the same is commenced within three months from the date of the occurrence of the accident causing the injury or loss of life; and

Provided always, that the court of jurisdiction as aforesaid shall not have power to award a greater sum by way of compensation 5 for such injury or loss of life than two hundred pounds.

2. Where injuries not resulting in death are caused to a minor by reason of the negligence of any other person, and damages are recovered for such negligence, it shall be lawful for the court before whom the damages are recovered to direct that the amount 10 of such damages shall be paid to and held by such person as the court with his consent directs, in trust for the minor; and such amount shall be applied for the education or advancement of the minor, or otherwise for his benefit, as the court or a judge of any superior court of law or of equity may from time to time 15 direct.

Power to  
settle com-  
pensation by  
agreement.

3. It shall be lawful for any employer who may be liable to pay compensation under the provisions of this Act to agree with any servant who may have been injured, or with the representa- 20 tives of any servant who may have been killed, as to the amount of such compensation, and the receipt of such servant or his or her legal representative shall be final and binding.

Allowance  
from sick  
and pro-  
vident funds  
to be taken  
into account.

4. In assessing the amount of compensation in case of *injury*, the court of jurisdiction shall take into account any proportion 25 of any allowance receivable by the party injured from any provident society or sick or other fund of which she or he may be a member, which proportion may have been contributed by the employer liable to pay the compensation.

Exemption  
of small  
employers.

5. This Act shall not extend to nor include employers of labour where the number of persons employed does not exceed ten. 30



# Compensation for Acci- dents to Workpeople.

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## B I L L

To provide for Compensation to Work-  
people engaged in common Employ-  
ment in cases of Injury by Accidents  
when employed.

(Prepared and brought in by  
Sir Edward Watkin, Mr. Kimbaird, and  
Mr. Laverton.)

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*Ordered, by The House of Commons, to be Printed,  
25 May 1875.*

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[Bill 186.]

*Under 1 oz.*



# Conspiracy, and Protection of Property Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
2. Commencement of Act.

### *Conspiracy and Protection of Property.*

3. Amendment of law as to conspiracy in trade disputes.
4. Breach of contract by workmen employed in supply of gas or water.
5. Breach of contract involving injury to property.
6. Power for offender under this Act, or under 34 & 35 Vict. c. 32., to be tried on indictment and not by court of summary jurisdiction.

### *Miscellaneous.*

7. Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice.
8. Penalty on persons drunk and disorderly in factory.

### *Legal Proceedings.*

9. Proceedings before court of summary jurisdiction.

### *Definitions.*

10. General definitions.
  11. Definitions of "municipal authority" and "public company."
- [Bill 204.]

## Clauses.

*Saving Clauses.*

12. Saving as to sea service.

*Application of Act to Scotland.*

13. Application to Scotland.  
14. Recovery of penalties, &c. in Scotland.

*Application of Act to Ireland.*

15. Application to Ireland.

A

## B I L L

FOR

Amending the Law relating to Conspiracy, and to the Protec- A.D. 1875.  
tion of Property, and for other purposes.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Conspiracy, and Protection Short title.  
of Property Act, 1875.

2. This Act shall come into operation on the *first day of* Commence-  
*September one thousand eight hundred and seventy-five.* ment of Act.

*Conspiracy, and Protection of Property.*

10 3. An agreement or combination by two or more persons to do or Amendment  
procure to be done any act in contemplation or furtherance of a of law as to  
trade dispute between employers and workmen shall not be punish- conspiracy in  
able as a conspiracy, if such act as aforesaid, if committed by one trade dis-  
person, would not be punishable as a crime. putes.

15 Nothing in this section shall exempt from punishment any  
persons guilty of a conspiracy for which a punishment is awarded  
by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, un-  
lawful assembly, breach of the peace, or sedition, or any offence  
20 against the State or the Sovereign.

A crime for the purposes of this section means an offence  
punishable on indictment, or an offence which is punishable on  
summary conviction, and for the commission of which the offender  
is liable under the statute making the offence punishable to be  
25 imprisoned either absolutely or at the discretion of the court as an  
alternative for some other punishment.

Where a person is convicted of any such agreement or combina-  
tion as aforesaid to do an act which is punishable only on summary

A.D. 1875. conviction, and is sentenced to imprisonment, the imprisonment shall not exceed *three months*, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

Breach of contract by workmen employed in supply of gas or water.

4. Where a workman employed by a municipal authority or public company upon whom is imposed by Act of Parliament the duty of supplying any city, borough, town, or place, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding *twenty pounds* or to be imprisoned for a term not exceeding *three months*, with or without hard labour.

Breach of contract involving injury to property.

5. Where an employer or a workman wilfully and maliciously breaks a contract of service between them, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to expose valuable property whether real or personal to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding *twenty pounds*, or to be imprisoned for a term not exceeding *three months*, with or without hard labour.

Power for offender under this Act, or under 34 & 35 Vict. c. 32., to be tried on indictment and not by court of summary jurisdiction.

6. Where a person is accused before a court of summary jurisdiction of any offence made punishable by the foregoing provisions of this Act, or of any offence under the Criminal Law Amendment Act, 1871, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

#### Miscellaneous.

Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice.

7. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall on sum-



mary conviction be liable either to pay a penalty not exceeding A.D. 1875. *twenty* pounds, or to be imprisoned for a term not exceeding *six* months, with or without hard labour.

8. Every person who being drunk is riotous and disorderly in any Penalty on persons drunk and disorderly in factory.  
 5 factory may be apprehended by any constable without a warrant, and shall be liable on summary conviction either to pay a penalty not exceeding *forty shillings*, or to be imprisoned for a term not exceeding *one month*, with or without hard labour.

When the court commits any person to prison for non-payment  
 10 of a penalty under this section, the court may order him to be imprisoned with hard labour.

“Factory” in this section means any factory within the meaning of the Factory Acts, 1833 to 1871.

#### *Legal Proceedings.*

15 9. Every offence under this Act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, and every order under this Act which can be made by a court of summary jurisdiction, may be prosecuted, recovered,  
 20 and made in manner provided by the Summary Jurisdiction Act.

#### *Definitions.*

10. In this Act,—

The expression “workman” does not include a domestic or menial servant, but save as aforesaid means any person who being  
 25 a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, verbal or in writing, and be a contract of service  
 30 or a contract personally to execute any work or labour; and

The expression “the Summary Jurisdiction Act” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate  
 “the performance of the duties of justices of the peace out of  
 35 “sessions within England and Wales with respect to summary “convictions and orders,” inclusive of any Acts amending the same; and

The expression “court of summary jurisdiction” means any justice or justices of the peace, metropolitan police magistrate, stipendiary  
 40 or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Act. Provided that the court when hearing and determining an information or

A.D. 1875. complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace. 5

“The Criminal Law Amendment Act, 1871.” The expression “the Criminal Law Amendment Act, 1871,” means the Act of session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter thirty-two, intituled “An Act to amend the criminal law relating to violence, threats, and molestation.” 10

Definitions of “municipal authority” and “public company.” 11. The expression “municipal authority” in this Act means any of the following authorities, that is to say, the Metropolitan Board of Works, the Common Council of the city of London, the Commissioners of Sewers of the city of London, the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament, with powers of improving, cleansing, lighting, or paving any town, and any local board. 15 20

Any municipal authority or company which has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a municipal authority or public company upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water. 25 30

*Saving Clauses.*

Saving as to sea service. 12. Nothing in this Act shall apply to seamen or to apprentices to the sea service. 35

*Application of Act to Scotland.*

Application to Scotland. 13. This Act shall extend to Scotland, with the modifications following; that is to say, 40

Definitions. (1.) The expression “municipal authority” means the town council of any royal or parliamentary burgh, or the com- 45

missioners of police of any burgh, town, or populous place under the provisions of the General Police and Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867. A.D. 1875.

5 (2.) The expression "The Summary Jurisdiction Act" means the Summary Procedure Act, 1864, and any Acts amending the same.

10 (3.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

14. In Scotland the following provisions shall have effect in regard to the prosecution of offences, recovery of penalties, and making of orders under this Act:— Recovery of penalties, &c. in Scotland.

15 (1.) Every offence under this Act shall be prosecuted, every penalty recovered, and every order made at the instance of the Lord Advocate, or of the Procurator Fiscal of the sheriff court.

20 (2.) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit or in a sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct.

25 (3.) All penalties may be recovered in the sheriff court at the instance of the Procurator Fiscal of that court under the provisions of the Summary Procedure Act, 1864.

30 (4.) In Scotland all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.

#### *Application of Act to Ireland.*

15. This Act shall extend to Ireland, with the modifications following; that is to say, Application to Ireland.

35 The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same:

40 The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace, or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:



A.D. 1875.

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions :

The expression "municipal authority" shall be construed to mean the town council of any borough for the time being, subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, entitled "An Act for the Regulation of Municipal Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.

## Conspiracy, and Protection of Property.

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### B I L L

For amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes.

(Prepared and brought in by  
Mr. Secretary Cross, Mr. Attorney-General, and  
Sir Henry Selwin-Ibbetson.)

*Ordered, by The House of Commons, to be Printed,  
10 June 1875.*

[Bill 204.]

*Under 1 oz.*



# Conspiracy, and Protection of Property Bill.

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
2. Commencement of Act.

### *Conspiracy, and Protection of Property.*

3. Amendment of law as to conspiracy in trade disputes.
4. Breach of contract by persons employed in supply of gas or water.
5. Breach of contract involving injury to persons or property.
6. Power for offender under this Act, or under 34 & 35 Vict. c. 32., to be tried on indictment and not by court of summary jurisdiction.

### *Miscellaneous.*

7. Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice.
8. Penalty for intimidation or annoyance by violence or otherwise.

### *Legal Proceedings.*

9. Proceedings before court of summary jurisdiction.
10. Appeal to quarter sessions.

### *Definitions.*

11. General definitions.
  12. Definitions of "municipal authority" and "public company."
- [Bill 260.] + a

Clauses.

*Saving Clause.*

13. Saving as to sea service.

*Repeal.*

14. Repeal of Criminal Law Amendment Act, 1871.  
15. Repeal of Acts.

*Application of Act to Scotland.*

16. Application to Scotland.  
17. Recovery of penalties, &c. in Scotland.  
18. Appeal in Scotland as prescribed by 20 Geo. 2. c. 43.

*Application of Act to Ireland.*

19. Application to Ireland.
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# B I L L

[AS AMENDED IN COMMITTEE]

FOR

Amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5    1. This Act may be cited as the Conspiracy, and Protection of Property Act, 1875. Short title.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-five. Commencement of Act.

## *Conspiracy, and Protection of Property.*

10    3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime. Amendment of law as to conspiracy in trade disputes.

15    Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

20    A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do an act which is punishable only on summary

[Bill 260.] +

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A.D. 1875. conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

Breach of  
contract by  
persons  
employed in  
supply of  
gas or water.

4. Where a person employed by a municipal authority or public company or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Every such municipal authority or public company, or any such company or contractor as is mentioned in this section shall cause to be posted up, at the gas or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any municipal authority or public company, or any such company or contractor, make default in complying with the provisions of this section in relation to such notice as aforesaid, they shall incur on summary conviction a penalty not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings.

Breach of  
contract  
involving  
injury to  
persons or  
property.

5. Where any person wilfully and maliciously breaks a contract of service, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceed-



ing twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour. A.D. 1875.

6. Where a person is accused before a court of summary jurisdiction of any offence made punishable by the foregoing provisions of this Act, or of any offence under the Criminal Law Amendment Act, 1871, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Power for offender under this Act, or under 34 & 35 Vict. c. 32., to be tried on indictment and not by court of summary jurisdiction.

#### *Miscellaneous.*

7. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall on summary conviction be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice.

8. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, shall use violence to any person or any property, or shall, with the view aforesaid, threaten or intimidate any person in such manner as would justify a justice of the peace in binding over the person so threatening or intimidating to keep the peace, on complaint made to him, and every person who, with a view seriously to annoy or intimidate any other person, shall persistently follow such other person about or hide any property owned or used by such other person, or deprive him of or hinder him in the use thereof, or watch or beset the place where such other person resides or is, or the approach to such place, or with one or more persons follow such person in a disorderly manner in or through any street or road, shall be liable to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

Penalty for intimidation or annoyance by violence or otherwise.

#### *Legal Proceedings.*

9. Every offence under this Act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction [260.]

Proceedings before court of summary jurisdiction.

A.D. 1875.

viction, and every penalty under this Act recoverable on summary conviction, and every order under this Act which can be made by a court of summary jurisdiction, may be prosecuted, recovered, and made in manner provided by the Summary Jurisdiction Act: Provided, that upon the hearing and determining of any indictment, information, or complaint under sections four, five, and seven of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Appeal to  
quarter  
sessions.

**10.** In England or Ireland, if any party feels aggrieved by any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following :

- (1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made :
- (2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof :
- (3.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court :
- (4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody :
- (5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of

appeal may also make such order as to costs to be paid by either party as the court thinks just. A.D. 1875.

*Definitions.*

11. In this Act,—

5 The expression “workman” does not include a domestic or menial servant, but save as aforesaid means any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, has entered into or works under a contract with an employer, whether  
10 the contract be made before or after the passing of this Act, be express or implied, verbal or in writing, and be a contract of service or a contract personally to execute any work or labour; and

General definitions :  
“Workman.”

The expression “the Summary Jurisdiction Act” means the Act of the session of the eleventh and twelfth years of the reign of Her  
15 present Majesty, chapter forty-three, intituled “An Act to facilitate “ the performance of the duties of justices of the peace out of “ sessions within England and Wales with respect to summary “ convictions and orders,” inclusive of any Acts amending the same; and

“The Summary Jurisdiction Act.”

20 The expression “court of summary jurisdiction” means—

“Court of summary jurisdiction.”

(1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice rooms; and

(2.) As respects any police court division in the Metropolitan police district, any Metropolitan police magistrate sitting at  
25 the police court for that division; and

(3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police  
30 court or other place appointed in that behalf; and

(4.) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognisance of such justice or justices as last aforesaid, a complaint under  
35 this Act shall be heard and determined, and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

12. The expression “municipal authority” in this Act means any  
40 of the following authorities, that is to say, the Metropolitan Board of Works, the Common Council of the city of London, the Commis-

Definitions of  
“municipal authority”  
and “public company.”



A.D. 1875. sioners of Sewers of the city of London, the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and any 5 Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament, with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company which has obtained authority by or in pursuance of any general or local Act of Parliament to 10 supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a 15 municipal authority or public company upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

*Saving Clause.*

Saving as to  
sea service.

13. Nothing in this Act shall apply to seamen or to apprentices 20 to the sea service.

Repeal of  
Criminal  
Law Amend-  
ment Act,  
1871.

*Repeal.*

14. The Criminal Law Amendment Act, 1871, shall be and is hereby repealed.

Repeal of  
Acts.

15. On and after the commencement of this Act, there shall be 25 repealed :—

I. "The Master and Servant Act, 1867," and the enactments specified in the First Schedule to that Act, with the exceptions following as to the enactments in such Schedule ; (that is to say,)

30

(1.) Except so much of sections one and two of the Act passed in the thirty-third year of the reign of King George the Third, chapter fifty-five, intituled "An Act to autho-  
" rise justices of the peace to impose fines upon constables,  
" overseers, and other peace or parish officers for neglect of 35  
" duty, and on masters of apprentices for ill-usage of such  
" their apprentice; and also to make provision for the  
" execution of warrants of distress granted by magistrates,"  
as relates to constables, overseers, and other peace or  
parish officers ; and

40



A.D. 1875.

(2.) Except so much of sections five and six of an Act passed in the fifty-ninth year of the reign of King George the Third, chapter ninety-two, intituled "An Act to enable justices of the peace in Ireland to act as such, in certain cases, out of the limits of the counties in which they actually are; to make provision for the execution of warrants of distress granted by them; and to authorise them to impose fines upon constables and other officers for neglect of duty, and on masters for ill-usage of their apprentices," as relates to constables and other peace or parish officers; and

(3.) Except the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter seven, intituled "An Act to explain the Acts for the better regulation of certain apprentices;" and

(4.) Except sub-sections one, two, three, and five of section sixteen of "The Summary Jurisdiction (Ireland) Act, 1851," relating to certain disputes between employers and the persons employed by them; and

II. The following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure (that is to say) :—

(a.) An Act passed in the fifth year of the reign of Queen Elizabeth, chapter four, and intituled "An Act touching dyvers orders for artificers, labourers, servantes of husbandrye, and apprentices;" and

(b.) So much of section two of an Act passed in the twelfth year of King George the First, chapter thirty-four, and intituled "An Act to prevent unlawful combination of workmen employed in the woollen manufactures, and for better payment of their wages," as relates to quitting service and to returning work before it is finished; and

(c.) Section twenty of an Act passed in the fifth year of King George the Third, chapter fifty-one, the title of which begins with the words "An Act for repealing several Laws relating to the manufacture of woollen cloth in the county of York," and ends with the words "for preserving the credit of the said manufacture at the foreign market;" and

(d.) An Act passed in the nineteenth year of King George the Third, chapter forty-nine, and intituled "An Act to

A.D. 1875.

“ prevent abuses in the payment of wages to persons  
 “ employed in the bone and thread lace manufactory ;”  
 and

(e.) Sections eighteen and twenty-three of an Act passed in the session of the third and fourth years of Her present Majesty, chapter ninety-one, intituled “ An Act for the more effectual prevention of frauds and abuses committed by weavers, sewers, and other persons employed in the linen, hempen, union, cotton, silk, and woollen manufactures in Ireland, and for the better payment of their wages, for one year, and from thence to the end of the next session of Parliament ;” and

(f.) Section seventeen of an Act passed in the session of the sixth and seventh years of Her present Majesty, chapter forty, the title of which begins with the words “ An Act to amend the Laws,” and ends with the words “ workmen engaged therein ;” and

(g.) Section seven of an Act passed in the session of the eighth and ninth years of Her present Majesty, chapter one hundred and twenty-eight, and intituled “ An Act to make further regulations respecting the tickets of work to be delivered to silk weavers in certain cases.”

Provided that,—

(1.) Any order for wages or further sum of compensation in addition to wages made in pursuance of section sixteen of “ The Summary Jurisdiction (Ireland) Act, 1851,” may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of this Act, and not otherwise ; and

(2.) The repeal enacted by this section shall not affect—

(a.) Anything duly done or suffered, or any right or liability acquired or incurred under any enactment hereby repealed ; or

(b.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or

(c.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

*Application of Act to Scotland.*

A.D. 1875.

16. This Act shall extend to Scotland, with the modifications following; that is to say,

Application  
to Scotland.

Definitions.

- (1.) The expression "municipal authority" means the town council of any royal or parliamentary burgh, or the commissioners of police of any burgh, town, or populous place under the provisions of the General Police and Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867.
- (2.) The expression "The Summary Jurisdiction Act" means the Summary Procedure Act, 1864, and any Acts amending the same.
- (3.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

17. In Scotland the following provisions shall have effect in regard to the prosecution of offences, recovery of penalties, and making of orders under this Act:—

Recovery of  
penalties, &c.  
in Scotland.

- (1.) Every offence under this Act shall be prosecuted, every penalty recovered, and every order made at the instance of the Lord Advocate, or of the Procurator Fiscal of the sheriff court.
- (2.) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit or in a sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct.
- (3.) All penalties may be recovered in the sheriff court at the instance of the Procurator Fiscal of that court under the provisions of the Summary Procedure Act, 1864.
- (4.) In Scotland all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.

18. In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the next Circuit Court of Justiciary, or where there are no Circuit Courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, in regard to

Appeal in  
Scotland as  
prescribed  
by 20 G. 2.  
c. 43.

A.D. 1875. — appeals to Circuit Courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

All penalties imposed under the provisions of this Act in Scotland may be enforced in default of payment by imprisonment for a term 5 to be specified in the summons or complaint, but not exceeding three calendar months.

All penalties imposed and recovered under the provisions of this Act in Scotland shall be paid to the sheriff clerk, and shall be accounted for and paid by him to the Queen's and Lord Treasurer's 10 Remembrancer on behalf of the Crown.

*Application of Act to Ireland.*

Application  
to Ireland.

19. This Act shall extend to Ireland, with the modifications following; that is to say,

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metro- 15 polis, the Acts regulating the powers and duties of justices of the peace for such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 20

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace, or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining 25 complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions: 30

The expression "municipal authority" shall be construed to mean the town council of any borough for the time being, subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, entitled "An Act for the Regulation of Municipal 35  
"Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.





# Conspiracy, and Protection of Property.

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A

## BILL

[AS AMENDED IN COMMITTEE]

For amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes.

(Prepared and brought in by  
Mr. Secretary Cross, Mr. Attorney-General, and  
Sir Henry Selwin-Ibbetson.)

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Ordered, by The House of Commons, to be Printed,  
16 July 1875.

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[Bill 260.]—

Under 2 oz.

## LORDS AMENDMENTS

TO

### CONSPIRACY AND PROTECTION OF PROPERTY BILL.

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*Note.—The page and line refer to the Bill (220.) as first printed  
by the Lords.*

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#### *Page 1.*

Line 28, after (“ do ”) insert (“ or procure to be done ”)

#### *Page 2.*

Lines 5 and 6, leave out (“ public company or ”)

Line 19, leave out (“ or public company or any such ”)

Line 21, leave out (“ gas ”) and insert (“ gasworks ”)

Line 27, leave out (“ public company or any such ”)

Line 29, after (“ they ”) insert (“ or he ”)

#### *Page 3.*

Leave out clause 6.

Line 23, leave out from (“ doing ”) to the end of the clause,  
and insert (“ wrongfully and without legal authority,—

1. Uses violence to or intimidates such other person or his wife or children, or injures his property ; or,
  2. Persistently follows such other person about **from** place to place ; or,
  3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof ; or,
  4. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place ; or,
  5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road,
- shall, on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a
- [Bill 285.]

A

penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour :

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, and not with a view to intimidate or to deter by serious annoyance such person from doing or abstaining from doing that which he has a legal right to do or abstain from doing, shall not be deemed a watching or besetting within the meaning of this section.")

CLAUSE A.  
Reduction of  
penalties.

And also insert clause (A). :

Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one fourth of the penalty imposed by such Act.

CLAUSE B.  
Power for  
offender  
under this  
Act to be  
tried on in-  
dictment and  
not by court  
of summary  
jurisdiction.

After line 37 insert clause (B). :

Where a person is accused before a court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty not exceeding twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

*Page 4.*

Line 1, leave out from ("conviction") to ("may") in line 2.

Line 2, after ("prosecuted") insert ("and")

Line 3, leave out ("and made"), and leave out from ("Act") to the end of the clause

CLAUSE C.  
Regulations  
as to evi-  
dence.

After clause 9 insert clause (C). :

Provided, that upon the hearing and determining of any indictment or information under sections four, five, and six of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Line 10, leave out ("order or")

Line 11, leave out ("complaint or")



Line 24, leave out from ("peace") to ("conditioned") in line 26, and insert ("with or without sureties")

Line 40, leave out ("or complaint")

*Page 5.*

Line 13, leave out ("rooms") and insert ("room")

Line 24, leave out from ("aforesaid") to ("by") in line 26, and insert ("an information under this Act shall be heard and determined")

Line 28, at the end of clause 11 insert :—

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Line 40, leave out ("which") and insert ("or contractor who")

*Page 6.*

Line 5, leave out ("public"), and after ("company") insert ("or contractor")

After clause 12 insert clause (D.) :—

The word "maliciously" used in reference to any offence under this Act shall be construed in the same manner as it is required by the fifty-eighth section of the Act relating to malicious injuries to property; that is to say, the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-seven, to be construed in reference to any offence committed under such last-mentioned Act.

CLAUSE D.  
"Maliciously" in this Act construed as in Malicious Injuries to Property Act.

Line 17, after ("molestation") insert ("and")

*Page 7.*

Line 11, at the beginning of paragraph III. insert ("Also there shall be repealed")

Lines 22 and 23, leave out ("quitting service and to") and insert ("departing from service, and quitting or")

*Page 8.*

Line 18, leave out ("this Act") and insert ("the Employers and Workmen Act, 1875")

LORDS AMENDMENTS

TO

CONSPIRACY AND PROTECTION  
OF PROPERTY BILL.

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*Ordered, by The House of Commons, to be Printed,  
6 August 1875.*

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[Bill 285.]

*Under 1 oz.*

A

B I L L .

TO

Amend the Contagious Diseases (Animals) Act, 1869.

A.D. 1875.

5 **W**HEREAS it is expedient to assimilate the law in regard to the application of penalties or forfeitures recovered in Scotland under the Contagious Diseases (Animals) Act, 1869, to the law in regard to the application of such penalties and forfeitures in England :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 **1.** This Act shall be construed as one with the recited Act and the Acts amending the same. Construction of Act.
- 2.** This Act shall extend to Scotland only. Extent of Act.
- 15 **3.** Notwithstanding anything contained in section one hundred and six of the recited Act, or in any other Act, that one half of every penalty or forfeiture recovered under the recited Act in Scotland, which is not therein directed to be paid to the person who  
sues or proceeds for the same, shall be paid as follows : One half of penalties under recited Act to be paid to treasurer of local rate.
- 20 (1.) Where the penalty or forfeiture is recovered within a burgh, to the treasurer of the local rate of such burgh under the recited Act :
- (2.) Where the penalty or forfeiture is recovered within a county, to the treasurer of the local rate of such county under the recited Act.







Contagious Diseases  
(Animals) Act, 1869,  
Amendment.

A

B I L L

To amend the Contagious Diseases  
(Animals) Act, 1869.

*(Prepared and brought in by  
The Lord Advocate and Mr. William Henry  
Smith.)*

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*Ordered, by The House of Commons, to be Printed,  
12 July 1875.*

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[Bill 250.]

*Under 1 oz.*

A

## B I L L

TO

Repeal the Contagious Diseases Acts, 1864, 1866, 1868, and A.D. 1875.  
1869.

**W**HEREAS it is expedient to repeal the Contagious Diseases  
Acts :

Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. The several Acts set forth in the Schedule to this Act shall Repeal of  
Acts. be and the same are hereby repealed as from the *passing of this  
Act.*

10

## SCHEDULE.

- (1.) The Contagious Diseases Prevention Act, 1864.
- (2.) The Contagious Diseases Act, 1866.
- (3.) The Act of the thirty-first and thirty-second years of the  
reign of Her present Majesty, chapter eighty.
- 15 (4.) The Contagious Diseases Act, 1869.







# Contagious Diseases Acts Repeal.

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A

## B I L L

To repeal the Contagious Diseases Acts,  
1864, 1866, 1868, and 1869.

*(Prepared and brought in by  
(Sir Harcourt Johnstone, Bart.  
Rt. Hon. J. W. Henley, Rt. Hon. James Stansfeld,  
and Mr. Samuel Whitbread.)*

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 24.]

*Under 1 oz.*

A  
B I L L

FOR

The Repeal of the Act of the Irish Parliament, the Thirty-third George the Third, Chapter Twenty-nine, intituled  
An Act to prevent the election or appointment of unlawful  
assemblies. A.D. 1875.  
—

**W**HEREAS it is expedient that the law of Ireland with reference to public meetings should be assimilated to that of England:

Be it enacted by the Queen's most Excellent Majesty, by and  
5 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same;

1. That a certain Act of the Parliament of Ireland, passed in  
the thirty-third year of His late Majesty King George the Third,  
10 intituled "An Act to prevent the election or appointment of  
" unlawful assemblies," shall be and is hereby repealed. Repeal of the  
Act of the  
Parliament  
of Ireland,  
33 G. 3. c.29.

2. This Act may be cited for all purposes as The Convention  
(Ireland) Act Repeal Act. Short title.







# Convention (Ireland) Act Repeal.

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A

## B I L L

For the Repeal of the Act of the Irish Parliament, the Thirty-third George the Third, Chapter Twenty-nine, intituled An Act to prevent the election or appointment of unlawful assemblies.

*(Prepared and brought in by  
Mr. P. J. Smyth, Mr. Dowling, Mr. Ronayne,  
Mr. Richard Power, Mr. O'Gorman, and  
Mr. O'Clery.)*

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*Ordered, by The House of Commons, to be Printed,  
4 March 1875.*

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[Bill 85.]

*Under 1 oz.*

A

# B I L L

INTITULED

An Act to amend the Copyright of Designs Acts.

A.D. 1875.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5    **1.** This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, which day is in this Act referred to as the commencement of this Act. Commence-  
ment of Act.

10    **2.** On and after the commencement of this Act all powers, duties, and authorities vested in, imposed on, or to be exercised by the Board of Trade under the Acts mentioned in the schedule to this Act shall be transferred to, vested in, and imposed on the Commissioners of Patents for Inventions, and the said Acts shall be construed as if the said Commissioners of Patents were throughout substituted for the Board of Trade or the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations. Transfer to  
Commis-  
sioners of  
Patents of  
powers and  
duties of  
Board of  
Trade under  
Copyright of  
Designs  
Acts.

20    **3.** The said Commissioners of Patents may from time to time make, and when made revoke and alter general rules for regulating registration under the Acts mentioned in the schedule hereto, and this Act, and on and after the commencement of this Act any discretion or power vested in the registrar under the said Acts shall be subject to the control of the Commissioners of Patents and shall be exercised by him in such manner and with such limitations and restrictions (if any) as may be prescribed by the said general rules, and any provisions contained in the said Acts as to the copies, drawings, prints, descriptions, information, matters, and particulars to be furnished to the registrar prior to registration, and as to the mode in which registration is to be conducted by the registrar, and

[Bill 270.]

A.D. 1875. — generally as to any act or thing to be done by the registrar may be modified by such general rules in such manner as the said Commissioners of Patents may think expedient.

General rules made in pursuance of this section shall be laid before Parliament within one month after they are made if Parliament be then sitting, or if not, within one month after the commencement of the then next session.

Transfer of  
duties of  
registrar to  
officers of  
Commis-  
sioners of  
Patents.

4. The office of registrar under the Acts mentioned in the schedule to this Act shall cease to exist as a separate paid office, and the Commissioners of Patents may from time to time make arrangements as to the mode in which and the person or persons by whom the duties of registrar and other duties under the said Acts are to be performed, and may from time to time delegate to any such person or persons all or any of the duties of the registrar, and any person or persons to whom such duties may be delegated shall, in so far as such delegation extends, be deemed to be the registrar within the meaning of the said Acts.

Any arrangement or delegation of duties to the clerk or other officer of the Commissioners of Patents made by the Board of Trade shall be as valid as it would have been if this Act had been passed at the date of such arrangement or delegation, and the same had been made by the Commissioners of Patents.

Short title  
of Acts.

5. Each of the Acts mentioned in the schedule to this Act may be cited as the Copyright of Designs Act of the year in which it was passed, and the said Acts may, together with this Act, be cited as the Copyright of Designs Acts, 1842 to 1875, and this Act may be cited as the Copyright of Designs Act, 1875.



## SCHEDULE.

A.D. 1875.  

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## COPYRIGHT OF DESIGNS ACTS.

Session and Chapter.	Title.
5 5 & 6 Vict. c. 100. -	An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. -	An Act to amend the laws relating to the Copyright of Designs.
10 13 & 14 Vict. c. 104.	An Act to extend and amend the Acts relating to the Copyright of Designs.
21 & 22 Vict. c. 70.	An Act to amend the Act of the fifth and sixth years of Her present Majesty to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
15 24 & 25 Vict. c. 73.	An Act to amend the law relating to the Copyright of Designs.

Copyright of Designs  
Acts. [H.L.]

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A

B I L L

INTRODUCED

An Act to amend the Copyright of  
Designs Acts.

(*Brought from the Lords 26 July 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
26 July 1875.*

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[Bill 270.]

*Under 1 oz.*

# Coroners (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Repeal.
2. Appointment of deputy.
3. Qualification of coroner.
4. Remuneration of coroner.
5. Polling to continue for one day.
6. Payment of witnesses.
7. Superannuation of coroner.
8. In case coroner refuses inquest.
9. Jury on inquest.
10. Commitment of persons suspected of causing death.
11. Bail in cases of manslaughter.
12. Recognizances.
13. Depositions.
14. Interpretation.
15. Extent of Act.

### SCHEDULE.





A

## B I L L

TO

Amend the Laws relating to the appointment, duties, and payment of County Coroners, and Expenses of Inquests in Ireland. A.D. 1875.

**W**HEREAS it is expedient to authorise coroners in Ireland to appoint deputies to act in their stead in certain cases, and to amend the law with respect to the appointment and payment of coroners, and the expenses of inquests, and to provide compensation for coroners obliged to give up their office, and to make provision with respect to the duties of such coroners :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That *from and after the passing of this Act*, the several parts of the Acts herein-after mentioned shall be and the same are hereby repealed ; that is to say, so much of an Act passed in the fourth year of His late Majesty George the Fourth, intituled " An Act to regulate the amount of presentments by grand juries for payment of the public officers of the several counties in Ireland," and so much of an Act passed in the ninth and tenth years of Her present Majesty, intituled " An Act to amend the laws relating to the office of coroner and the expenses of inquests in Ireland," as relates to the election of coroners for counties continuing for two days, and their property qualification, and the payment of such coroners for counties, and so much of the said last-mentioned Act and the Schedule C. thereto as relates to the payment of poor witnesses attending at inquests. Repeal.

2. From and after the passing of this Act, it shall be lawful for every coroner of any county, and he is hereby directed, by writing under his hand and seal, to nominate and appoint from time to time a fit and proper person, being a member of the legal or medical profession, to act for him as his deputy in the holding of inquests ; such appointment being subject to the approval of Appoint-  
ment of  
deputy.

[Bill 36.]

A

A.D. 1875. the Lord Chief Justice of the Court of Queen's Bench, the Chief Coroner in Ireland, and all inquests taken and other acts performed by any such deputy coroner, under and by virtue of any such appointment, shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made: Provided always, that a duplicate of the order of such appointment shall be forthwith transmitted to the clerk of the peace for the county in which such coroner shall reside, to be filed among the records of the said county: Provided also, no such deputy coroner shall act for any such coroner as aforesaid, except during the illness of the said coroner, or during his absence from any lawful or reasonable cause; and that every such appointment may at any time be cancelled and revoked by the coroner by whom the same was made.

Qualifica-  
tion of  
coroner.

3. From and after the passing of this Act, no person shall be elected or chosen to the office of coroner unless at the time of being so elected or chosen he is qualified as follows; that is to say,

- (a.) Is duly qualified to practice medicine or surgery, and registered as such under the Medical Act of 1858, or any Act amending the same; or
- (b.) Is a barrister-at-law; or
- (c.) Is on the roll of solicitors or attorneys in one of the superior courts at Dublin; or
- (d.) Is a justice of the peace of five years standing.

Remunera-  
tion of  
coroner.

4. And be it enacted that, *on and after the first day of November one thousand eight hundred and seventy-five*, there shall be paid to every county coroner, in lieu of the fees and allowances, which, if this Act had not passed, he would have been entitled to receive, such annual salary, not being less than the average amount of the fees upon inquests held by him or his predecessor in said office during the five years last past, calculated at not less than *two pounds ten shillings* sterling, for each inquest held by him or his predecessor during said period; and also the average of all allowances actually received by every such coroner during said five years: And the grand jury of each county shall at the next assizes held after the passing of this Act fix the annual salary to be paid to each county coroner and his successors in lieu of fees and allowances: Provided always, that the treasurer of each county shall pay out of the county rates such salary or salaries to all such county coroner or coroners, half-yearly; that is to say, on the first day of May and the first day of November in

A.D. 1875.

each year; and whenever, from death or removal, or any other cause whatever, any county coroner shall not be entitled to a salary for the whole of a half year, a proportionate part of the salary shall be paid him, or, in case of his death, it shall be paid to his personal representative: Provided always, that in case any grand jury of any county and any county coroner shall be unable to agree as to the amount of the salary to be paid to such county coroner, it shall be lawful for the Lord Lieutenant General, or other chief governor or governors of Ireland, and he or they is, or are required, upon application of any such grand jury, or any such coroner, on a statement of the case being laid before him or them, to fix and determine the amount of such salary, having regard to the averages as aforesaid, and also to the special circumstances of each case: Provided that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid out of the county rates the expenses and disbursements which may have been made by him on the holding of any inquest: And provided always, that every county coroner shall also be paid mileage for each mile travelled, going to and returning from each inquest, at the rate of *sixpence* per mile, which he may have travelled in order to hold such inquest: And be it further provided, that when upon the death or removal of any such coroner, the coroner of the adjoining district, in the same county, who shall be called upon to act as coroner in said vacant district, shall, for each inquest held by him in said district, be paid a sum of *two pounds ten shillings* sterling, which the grand jury of such county wherein such vacancy has taken place are hereby directed to pay out of the county rates to all coroners discharging such extra duties.

5. From and after the passing of this Act, so much of the Act 9 & 10 Vict. c. 37., as authorises the polling at elections for coroners, to continue for two days, shall be, and the same is hereby repealed, and thenceforth such polling shall continue for one day only.

Polling to continue for one day.

6. From and after the passing of this Act, it shall and may be lawful for any coroner, deputy coroner, or two justices of the peace, by whom an inquest is held in Ireland, to pay to any poor witness, for each day of attendance at such inquest, any sum not exceeding *two shillings* per day, as shall seem just and reasonable, and to pay any sum not exceeding *five shillings*, as shall be reasonable for the removal of any dead body from the place where such dead body was found to the house at which an inquest thereon is intended to be held.

Payment of witnesses.



A.D. 1875.

Super-  
annuation of  
coroner.

7. From and after the passing of this Act, no person shall continue to hold the office of coroner in Ireland after he has attained the age of seventy years, or after he has become incapable, from ill-health or infirmity, to discharge the duties of his office, and every coroner in Ireland who has attained the age of sixty 5 years and served in that office for twenty-one years, shall be entitled, at his option, to retire from the office of coroner; and it shall and may be lawful for every such coroner who may so desire to retire, or who may be obliged to give up his office, to apply by counsel to the Court of Queen's Bench, or to a judge of assize 10 presiding in the county where such coroner resides, for a certificate or declaration that the applicant has attained the age of seventy years, or is incapacitated, by ill-health or infirmity, from discharging the duties of his office, or who, having attained the age of sixty 15 years, has served in the office of coroner for twenty-one years (as the case may be), and upon hearing such evidence as may be given in support of such application, the court or judge before whom same is heard shall give such certificate, should the evidence given be sufficient to justify said court or judge of assize in so doing, and upon the production of any such certificate the coroner therein 20 named shall be thenceforth entitled to receive an annuity or yearly sum, being two thirds of the salary to which he was entitled as coroner, said annuity to be paid half-yearly, at May and November, in each year during such coroner's natural life, and every such annuity shall be payable out of and chargeable upon the funds 25 raised by fines and penalties in Ireland, and such annuities shall be paid, as herein provided, by the registrar or person in charge of the collection of all moneys and accounts connected with said fines and penalties, the receipt of each coroner entitled, as herein provided, to receive the same shall be a sufficient voucher for the payment 30 of said annuity; provided always, that upon the death of any coroner in receipt of such annuity, his legal representative shall be entitled to a proportionate part of the current half year's annuity.

In case  
coroner  
refuses  
inquest.

8. And be it enacted, that if any coroner shall in any case refuse or neglect to hold an inquest which, in the opinion of the 35 grand jury of the county, ought to have been held, it shall be lawful for such grand jury to apply to the Court of Queen's Bench, or to the going judge of assize, for a rule calling on such coroner to show cause why he did not hold such inquest, provided that two clear days' notice in writing of such intended application 40 shall be personally served upon such coroner, and, if at the hearing of said application such coroner shall, in the opinion of said court



or judge, fail to show sufficient cause for not holding such inquest, the court or judge shall direct such coroner to proceed to hold such inquest, or otherwise inflict upon said coroner such fine, not exceeding the sum of *ten pounds* sterling for each such case, as to such court or judge may seem right. A.D. 1875.

9. In case no twelve of the jurors who may be sworn upon a coroner's inquest shall agree and return a verdict within such reasonable time as the coroner, deputy coroner, or the magistrates before whom such inquest is being held shall determine, such coroner, deputy coroner, or magistrates shall then be at liberty, and are hereby authorised to discharge such jury, and upon their discharge to proceed anew to have another jury summoned and sworn to hold an inquest (none of the former jurors to be eligible to serve upon said inquest), and obtain the attendance of witnesses thereat, as in manner provided for the holding of inquests, and shall so proceed until the verdict of a jury be obtained. Jury on inquest.

10. And be it enacted, that when any person or persons shall be taken on charge or suspicion of being feloniously implicated in the death of the person on whose body an inquest is about to be or is being held, the coroner or deputy coroner doing duty at such inquest is hereby empowered upon a proper information of the fact being taken in writing by such coroner or deputy coroner, to commit to prison the person or persons so charged or suspected, who shall be retained in custody until the result of the inquiry and the verdict of a jury on such inquest shall be had; whereupon such coroner or deputy coroner shall recommit or release such person or persons as may be right in pursuance of such verdict: And be it further provided, that all persons suspected or accused of being principals or accessaries before the fact, if in custody, shall, upon a written order of the coroner presiding at any such inquest, be produced at the inquest or any adjournment of the same, and all such persons shall be allowed to hear the evidence given, and if necessary, to cross-examine the witnesses as to such coroner may seem right. Commitment of persons suspected of causing death.

11. In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or deputy coroner before whom the inquest was taken to accept bail, if he shall think fit, with good and sufficient securities for the appearance of the person or persons so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for said county within which such inquest was taken, and thereupon such person or

Bail in cases of manslaughter.

A.D. 1875. persons, if in the custody of any officer, or in a gaol under a warrant of commitment issued by such coroner, shall be discharged therefrom.

Recogni-  
zances.

12. In every case in which any coroner or deputy coroner shall admit any person to bail, he shall cause recognizances to be taken, 5  
in the form given in the schedule of this Act, and shall, without unnecessary delay, return such recognizances to the clerk of crown for such county, and such coroner or deputy coroner shall be entitled to such fees and charges as the clerks of petty sessions are by law entitled to on admitting persons charged to bail. 10

Depositions.

13. At any time after all the depositions of witnesses at any inquest shall have been taken, every person against whom any coroner's jury may have found a verdict of murder or manslaughter shall be entitled to have, from the coroner or from the person having custody of the same, copies of the depositions on which such 15  
verdict shall have been found, on payment of a reasonable sum, not exceeding the rate of *twopence* for every folio of ninety words.

Interpre-  
tation.

14. In this Act the word "coroner" shall mean and extend to any person who is or shall be appointed coroner for any county, 20  
county of a city, or riding or division of a county in Ireland; and the word "deputy coroner" shall mean any person or persons appointed to such office under the provisions of this Act, or otherwise lawfully holding an inquest in lieu, or in the absence of a coroner. 25

Extent of  
Act.

15. This Act shall extend to Ireland only.

### SCHEDULE.

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Be it remembered, that, on the            day of            in the year  
of our Lord           , *A.B.* of            [*farmer*], *L.M.* of            [*grocer*]  
and *N.O.* of            [*butcher*], came before me, one of Her Majesty's  
5 coroners [*or* a deputy coroner] for the [*county*] of           , and  
severally acknowledged themselves to owe to our Lady the Queen  
the several sums following; that is to say, the said *A.B.* the sum  
of            and the said *L.M.* and *N.O.* the sum of            each,  
of good and lawful money of Great Britain, to be made and levied  
10 of their goods and chattels, lands and tenements respectively, to  
the use of our said Lady the Queen, her heirs and successors, if  
the said *A.B.* fail the condition indorsed.

Taken and acknowledged the day and year first above mentioned,  
at           , before me,  
15 *J.S.*            SEAL.  
Coroner [*or* deputy coroner] for the [*county*] of           .

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### CONDITION INDORSED.

The condition of the written recognizance is such, that whereas  
a verdict of manslaughter has been found against the said *A.B.* by  
20 a jury impannelled to inquire how and by what means  
came by [*his*] death: If, therefore, the said *A.B.* shall appear at  
the next court of oyer and terminer and general gaol delivery to  
be holden in and for the [*county*] of           , and there surrender  
himself into the custody of the keeper of the gaol there, and plead  
25 to such inquisition, or such other indictment as may be preferred  
against him, and take his trial upon same, and not depart the said  
court without leave, then the said recognizance shall be void, or  
else the same shall stand in full force and virtue.

# Coroners (Ireland).

A

## B I L L

To amend the Laws relating to the appointment, duties, and payment of County Coroners, and Expenses of Inquests in Ireland.

*(Prepared and brought in by  
Mr. Vance, Sir John Grey, and Mr. Downing.)*

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 36.]

*Under 1 oz.*



# County Boards (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Powers of grand juries as to fiscal business abolished.
2. Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.
3. Repeal of second and third sections of special Act for county Dublin.
4. Representative Councils established in each county.
5. Each barony to elect three.
6. Baronies to be united when more than twelve.
7. Every person rated on last rate to vote.
8. Election regulations.
9. Mode of nomination.
10. Appointment of polling places.
11. Council may make new regulations.
12. Non-resident justices not to attend presentment sessions.
13. Justices of each barony to elect one representative.
14. Provision as to consolidated baronies.
15. Additional members to be elected by boards of guardians and municipal bodies.
16. Commissioners of townships may elect.
17. Representative Councils to be corporations.
18. General courts of magistrates to be held.
19. Powers of Council.
20. Not to make presentments for malicious injury.
21. Meetings of Representative Council.
22. Chairman and vice-chairman to be elected.
23. Appointment of officers.
24. Treasurer of County to continue in office.
25. Appointment of Secretary of Council.

## Clause.

26. Appointment of County and district surveyors.
27. Fixing of meetings.
28. Election of finance committee.
29. Duties of finance committee.
30. Chairman of finance committee to be appointed.
31. Orders to be made at meetings of Council.
32. Meetings to be held before assizes.
33. Schedule of votes to be prepared.
34. Expenses of Act to be provided.
35. Orders to be made by judge.
36. Council to meet at assizes.
37. County rate to be struck.
38. Recovery of county rate.
39. Provision as to county of Dublin.
40. Council may stop up roads.
41. Moneys to be paid to credit of County Fund.
42. Mandamus to lie to Council.
43. Orders removable by certiorari.
44. Applications for compensation for malicious injury to be heard by a grand jury.
45. Proceedings to obtain compensation.
46. Grand jury may present compensation.
47. Presentment to be record of assize court.
48. Presentment may be traversed.
49. Questions may be reserved.
50. Judge to order payment.
51. Presentments for compensation for malicious injuries, &c. may be removed into Queen's Bench.
52. Appointment of board of superintendence.
53. Provision as to presentment sessions.
54. Associated cesspayers to be elected.
55. Provision as to counties of cities and towns.
56. Provision as to Carrickfergus and Galway.
57. Provisions as to lunatic asylums.
58. Privy Council to determine number of governors.
59. One fourth to be appointed by Lord Lieutenant.
60. Two thirds of the rest to be elected by Council, one third by justices.

Clause.

61. Provisions where more than one county contributes.
  62. Provisions as to cities and town corporate.
  63. Number of governors to be such as to accord with these provisions.
  64. Orders may be varied.
  65. Lord Lieutenant may hear objections to orders.
  66. Vacancies in office of governor to be filled up.
  67. Property of grand juries to vest in councils.
  68. Contracts to continue in force.
  69. Qualification of councillors and cesspayers.
  70. Duties of Council.
  71. Power of Council to make byelaws.
  72. Byelaws to be approved.
  73. Byelaws may be removed by certiorari.
  74. Penalties to be recovered.
  75. Application of penalties.
  76. Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council.
  77. Acts required to be done on a day happening to fall on a Sunday.
  78. Short title of Act.
-





A  
B I L L

TO

Provide for the better Administration of Public Moneys now A.D. 1875.  
levied by Grand Jury Presentment in Ireland, and for  
the establishment of Representative Councils in the Irish  
Counties for the management of Local Affairs.

**W**HEREAS it is expedient to make provision for the represen- Preamble.  
tation of the ratepayers in the management of the rates and  
taxes now levied as county rate in Ireland, and for that purpose  
to institute in each county a Representative Council constituted  
5 as herein-after mentioned, and to transfer to such Council the fiscal  
powers now exercised by the grand jury of such county :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
10 and by the authority of the same, as follows ; that is to say,

1. From and after the first day of November next, it shall not Powers of  
grand juries  
as to fiscal  
business  
abolished.  
be lawful for any grand jury of any county, county of a city, or  
county of a town in Ireland to make any presentment for the  
levying of any cess, rate, or tax, or for the execution of any further  
15 work or any other matter relating in any way to the control or  
management of any of the fiscal business of the said county ; and  
from and after that day all the powers and duties of the grand  
jury of any county, county of a city, or county of a town, in relation  
to presenting and levying of rates or cesses, or any of the matters  
20 aforesaid, shall absolutely cease and determine.

2. From and after the said day, the twenty-ninth and thirty-first Repeal of  
twenty-ninth  
and thirty-  
first clauses  
of General  
Grand Jury  
Act.  
sections of an Act passed in the seventh year of the reign of His  
late Majesty King William the Fourth, intituled " An Act to con-  
solidate and amend the laws relating to the presentment of public  
25 " money by Grand Juries in Ireland," herein-after called the Grand  
Jury Act, shall be and the same are hereby repealed, and the grand  
jury of every county shall be selected, summoned, and sworn as if  
that Act had not been passed.

[Bill 27.]

A

A.D. 1875.

Repeal of  
second and  
third sections  
of special  
Act for  
county of  
Dublin.

Representa-  
tive Councils  
established  
in each  
county.

Each barony  
to elect  
three.

Baronies to  
be united  
when more  
than twelve.

Every person  
rated on last  
rate to vote.

Election  
regulations.

Mode of  
nomination.

3. From and after the passing of this Act the second and third sections of an Act passed in the eighth year of the reign of Her Majesty the now Queen, intituled, "An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin," shall be and the same are hereby repealed. 5

4. From and after the first day of November next, and at all times thereafter, there shall be in every county in Ireland a Representative Council, to be constituted in manner herein-after mentioned.

5. On the tenth day of October in this present year, and on the same day in every succeeding year, the ratepayers of each barony shall elect in manner herein-after mentioned three fit and proper persons to be members of such Representative Council. 10

6. Provided always, and be it enacted, that, as to any and every county in Ireland in which the number of baronies exceeds twelve, the Lord Lieutenant and Privy Council shall, by an Order in Council to be made as soon as conveniently may be after the passing of this Act, direct that any barony in such county, instead of electing a representative, shall, for the purposes of representation in the county council, be annexed to and form part of any adjacent barony; and they shall order and make in every such county such and so many annexations of baronies as shall reduce the entire number of baronies to be represented to twelve; and the ratepayers of any barony to which such order applies shall, for all purposes of the election, be deemed to be ratepayers of the barony to which they are by such order annexed. 15 20 25

7. Every person whose name appears on the last rate for the relief of the poor in any union situate wholly or in part within any barony in respect of premises within any barony shall be deemed to be a ratepayer of such barony within the meaning of this Act. 30

8. On the day in each year appointed for the election, the election for each barony shall be held in the place in which the presentment sessions of the barony are held, and the high constable of the barony shall, at the first election after this Act, be the returning officer, and at all future elections such persons as the Representative Council of the county may appoint. 35

9. Any two ratepayers of the barony may, at any time between ten and twelve on the day of election, by a nomination paper signed by them and delivered to the returning officer, nominate one person 40

or two or three persons to be elected on the Representative Council. A.D. 1875.

If no more than three persons are so nominated the returning officer shall declare the three persons so nominated elected. If more than three persons are nominated, a poll shall be taken, and the poll shall be conducted in the manner provided for municipal elections by the Ballot Act, 1872; and all the clauses and provisions of the said last-mentioned Act, unless where they are inconsistent with this Act, shall apply to the elections hereby directed to be held.

- 10 **10.** At the first election the polling place shall be at the place in which the presentment sessions for the barony are held; provided always, that if any barony has been annexed, there shall be a separate polling place for the ratepayers of such barony at the place in which the presentment sessions of such barony are held. Appointment of polling places.
- 15 **11.** The regulations herein made for the first election shall continue to be in force until the Representative Council shall have made byelaws regulating such elections in manner herein-after mentioned. Council may make new regulations.

- 20 **12.** From and after the passing of this Act no justice of the peace for any county shall be entitled or qualified to sit or vote at any presentment sessions held for any barony, unless he is a resident in such barony, or a ratepayer of same, or is the owner of lands, tenements, and hereditaments for any estate within the same barony producing to him for his own use and benefit a clear Non-resident justices not to attend presentment sessions.
- 25 income of not less than one hundred pounds a year.

- 13.** At the first presentment sessions held after the fifteenth of September in each year for any barony, the justices assembled at same shall separately elect a person to be a member of the Representative Council of such county. Such person so elected by Justices of each barony to elect one representative.
- 30 the justices, and the three persons elected by the ratepayers as herein-before provided, shall be the representatives of the barony at the Council for the ensuing year.

- 14.** In any case in which any barony shall have been annexed to another pursuant to the provisions herein-before contained, no Provision as to consolidated baronies.
- 35 election shall be so made at any presentment sessions of the barony so annexed, but all the justices qualified to attend such presentment sessions shall be entitled, for the purposes of the election of a representative, but for such purposes only, to attend and vote at the presentment sessions of the barony to which it is annexed.



A.D. 1875.

Additional  
members to  
be elected by  
boards of  
guardians  
and munici-  
pal bodies.

**15.** In addition to the four persons so elected for each barony, the mayor of every city, town, or borough within the county which now is or shall be hereafter incorporated under the provisions of the Acts regulating municipal corporations of Ireland shall be a member of the Representative Council of the county; and the council of every such city, town, or borough shall elect and nominate one other of their body to be, with the mayor, a member of the Representative Council of the county; and the board of guardians of each poor law union situate wholly or in part within the county shall in like manner nominate one person to be a member of the Council; and the town commissioners of every town in which commissioners shall be appointed under any of the Acts in force for the improvement of towns in Ireland, shall also nominate and appoint one of their body to be a member of such Representative Council; all such appointments to be made in each year, at some meeting of the said several bodies duly convened for that purpose.

Commission-  
ers of town-  
ships may  
elect.

**16.** In the county of Dublin the commissioners of the township of Rathmines shall appoint, in manner herein-before provided for towns corporate in counties, two persons to be members of the county council, and so shall the commissioners of each of the townships of Kingstown, Blackrock, and Pembroke respectively, in like manner appoint two.

Representa-  
tive Councils  
to be cor-  
porations.

**17.** The several persons so elected and appointed shall, on and after the first of November in each year, be and form the Representative Council of the county for the ensuing year. The Council so elected shall have perpetual succession, by the name and title of the Representative Council of the county for which they are elected. They shall be capable of suing and being sued, shall have a common seal, be capable of holding land, have the power of making byelaws, and have and enjoy and be subject to all such rights, powers, and restrictions as by law belong to municipal bodies corporate.

General  
courts of  
magistrates  
to be held.

**18.** From and after the passing of this Act, there shall be held in each county from time to time a general court of the magistrates of the county. Such court shall meet statedly four times in each year, on the first Tuesday in each of the months of November, February, May, and August; they shall meet in the court-house in the county town; the lieutenant of the county, if present, shall preside at every court; in his absence the chairman shall be elected by the magistrates present; the clerk of the peace



shall act as secretary to every such court. In addition to these stated courts the lieutenant of the county may at any time convene a special court on giving one week's notice to each magistrate by post. A.D. 1875.

- 5 19. From and after the said first day of November the Representative Council of each county shall be capable of exercising and shall have and exercise all such powers, duties, and authorities which are now vested in the grand jury in relation to the execution of any public work, or the levying of any cess, rate, or tax, and  
 10 the making of any orders, or the making of any appointment, except where it is herein otherwise provided; and generally they may do all such matters, acts, and things as may now be lawfully done by the grand jury of any county, except the finding of bills of indictment, or making presentments of any offence or other  
 15 matter in any connected with the duties of a grand jury as the grand inquest of the county.

Powers of Council.

- 20 20. The Council shall not exercise the power of the making of any presentment for compensation for malicious injuries, or in respect of any crime or outrage, in any of the Acts authorising grand juries in that behalf. Not to make presentments for malicious injuries.

21. The Representative Council of each county shall assemble on the tenth day of November next, and on the tenth day of November in each succeeding year. All their meetings shall be held in the assize town of the county, and their first meeting shall  
 25 be held at noon in the grand jury room of the county court house. Meetings of Representative Council.

22. They shall at their November meeting in each year elect a member of the council to be chairman and another to be vice-chairman for the ensuing year, and may, at any meeting duly convened,  
 30 fill up a vacancy arising in either of such offices during Chairman and vice-chairman to be elected.

23. They shall appoint, in addition to a secretary, such and so many other officers as may be necessary for the transaction of the business of the Council, with such reasonable salary as they may think fit. Any order appointing an officer, or fixing his salary,  
 35 may be removed into the Court of Queen's Bench, and shall be quashed, if it shall appear to the Court that the appointment is unnecessary, or the salary excessive; and any facts that are disputed may, if the Court shall so think fit, be tried by a jury in such manner as the Court may direct: Provided always, that all officers  
 40 appointed by the Council shall be removable at the pleasure of the Council without any cause assigned. Appointment of officers.

A.D. 1875.

Treasurer  
of county to  
continue in  
office.

**24.** Any person or banking company who at the time of the first meeting of the Council shall fill the office of treasurer of the county shall continue to hold such office at the same salary and with the same tenure of office as if this Act had not been passed; and upon any vacancy occurring in the office of treasurer, the Council shall 5 make provision for the discharge of the duties of such office as the grand jury are now empowered and required by law to do.

Appointment  
of secretary  
of Council.

**25.** The Council shall, at their first meeting, or at some adjournment thereof, appoint a fit and proper person to be secretary of the Council, and shall at any future meeting fill up any vacancy 10 in such office. They shall annex to the office of secretary such duties as they may prescribe by any byelaws duly made in that behalf; and, subject as aforesaid, they may from time to time fix such reasonable salary to be paid to such secretary as they shall think fit. 15

Appointment  
of county  
and district  
surveyors.

**26.** The Council shall from time to time appoint the county and district surveyors, with such salaries respectively as they may think reasonable; but they shall not appoint any one, except a person qualified to fill such office under the provisions of a statute passed in the twenty-sixth year of the reign of Her Majesty, the 20 now Queen, intituled "An Act for making better provision for the " appointment of county surveyors in Ireland."

Fixing of  
meetings.

**27.** The Council may fix meetings to be held statedly at such time as they shall see fit, and may adjourn their meetings from time to time, and make such regulations as to the convening of 25 extraordinary meetings, as to them shall seem fit.

Election of  
finance  
committee.

**28.** They shall, at their meeting in the month of November in each year, nominate and appoint out of their body a finance committee, of not less than seven and not more than twelve, to discharge the duties herein-after mentioned. 30

Duties of  
finance  
committee.

**29.** The finance committee shall meet from time to time as they shall think fit, and as the Council may appoint. They shall examine into all applications for public works, and, if they shall think it expedient, they shall report their opinions thereon to the Council; they shall, as far as may be practicable or necessary, 35 investigate the progress of all contracts for public works, and call for and receive the reports of all officers in relation to same. They shall, when authorised by any resolution of the Council, make payments on account of same, and generally do all such acts for the transaction of business as the Council may by any byelaw 40 direct.

**30.** The Council shall from time to time appoint a fit and proper person, being a member of the finance committee, to be chairman thereof, and to discharge such duties as they may by any byelaw duly made in that behalf annex to such office; and, if they shall so think fit, they may fix such reasonable salary to be paid to such chairman as they may think fit.

A.D. 1875.

Chairman  
of finance  
committee  
to be ap-  
pointed.

**31.** The Council may, at any meeting duly convened, make any order for the execution of any work, or the granting of any money for same, for which the grand jury of the county might lawfully have made a presentment if this Act had not been passed.

Orders to  
be made at  
meetings of  
Council.

**32.** Provided always, that in every county, except the county of Dublin, two meetings shall be held in each year on the day that shall be four clear days before the day appointed for opening the commission at each assizes. And the sheriff of every county, on receiving the precept of the justices for the assizes, shall cause public notice to be given of the day of meeting of the Council, and shall send to the secretary of the Council a notice requiring the Council to assemble on the day named in the notice, and the secretary shall thereupon summon by post each member of the Council to attend on that day.

Meetings to  
be held  
before  
assizes.

**33.** The Council shall assemble at their place of meeting, at twelve o'clock on the day named by the sheriff, and shall then proceed to complete all business remaining undisposed of which shall require to be brought before the justices of assize pursuant to the provision herein-after contained; and they shall continue to meet each day until all such business is disposed of; and at such meetings they shall cause to be prepared a full statement of all orders made by them for the execution of any public money, or the raising of any money in the same form and manner as nearly as may be to the form in which the schedule of presentments is now prepared.

Schedule of  
votes to be  
prepared.

**34.** They shall in such statement include all sums of money which they are authorised or required to raise by county rate, including all such sums as may be required for the expenses of carrying into effect the provisions of this Act.

Expenses of  
Act to be  
provided.

**35.** Unless and until provision shall be otherwise made in that behalf, all orders of the Council for the execution of any work or the raising of any money made since the previous assizes shall be submitted to the judge of assize in the same manner as presentments of the grand jury for the like purposes are now submitted; and the

All orders to  
be filed by  
judge.



A.D. 1875. judge shall have and exercise in respect to them the same power and control as he now does over the presentments of the grand jury; and all the proceedings in relation to fiatting such orders, and as to the traversing of the same, or otherwise, shall be in all respects the same as are now or may be by law taken in relation to such presentments, and all laws, usages, and statutes now in force in relation to dealing with grand jury presentments at the assizes shall, unless when they are inconsistent with this Act, be applicable to orders made by the Council. 5

Council to  
meet at  
assizes.

36. The Council shall assemble at ten o'clock in the forenoon of 10 the day appointed for opening the commission of each assizes, and shall continue to meet on each and every day at the same time until the judge shall permit them to separate, but before separating they shall appoint a time for their next meeting within one week of such separation. 15

The Council and every member thereof shall be in attendance at each assizes, and every member shall give his attendance in open court whenever he shall be required by the judge, and he shall remain in attendance at the assizes until the judge shall think fit to discharge the Council from further attendance; and the judge 20 may at any time direct the names of the members of the Council to be called in open court, and may impose upon those who do not appear when called such reasonable fine as he shall think fit.

County rate  
to be struck.

37. At the meeting of the Council so appointed to be held the Council shall make an estimate of all sums of money which they 25 shall be then authorised or required to raise either from any barony in the county, or from the county at large; and they shall appoint and assess the sums to be levied on each barony in the county, including in such estimate any amount of compensation for malicious injury, or arising from any crime or outrage, which 30 pursuant to the provisions herein-after contained, they may be required to raise; and they shall ascertain the proportion of the entire sum to be raised which shall be chargeable on each barony of the county, and shall appoint and strike upon each barony a per-centage rate, to be called the county rate, to be equally assessed 35 upon all the lands, tenements, and hereditaments rated to the relief of the poor within such barony; and such rate shall be levied on the said several lands, tenements, and hereditaments as one county rate, apportionable between the landlord and tenant in the manner directed by the Land Act. 40



38. Every such county rate shall be recoverable by the same means in all respects as the county cess is now by law recoverable by distress or otherwise, and shall also be a debt due to the Representative Council by the person liable to pay same, to be recovered by them by action or otherwise as debts may be recovered by due process of law.

A.D. 1875.

Recovery of  
county rate.

39. All the provisions herein-before contained relative to the meetings of the Council, and the making of orders made by them, shall be applicable to the county of Dublin, save and except that in that county the meetings of the Council shall be held five clear days before each Easter and Michaelmas term; and all orders of the Council shall be submitted to the Court of Queen's Bench instead of the judge of assize; and all such proceedings shall be heard thereon as may now by law be had on any presentment for the execution of any public work, or the raising of money made by the grand jury of the county of Dublin.

Provision as  
to county of  
Dublin.

40. Orders may be made by the Council for stopping up any existing road in the same manner and with the same consequences in all respects as presentments to the like effect may now be made by the grand jury.

Council may  
stop up  
roads.

41. All rates collected under the authority of this Act, and all moneys which shall be payable to the Representative Council, shall be paid to the treasurer, or to the banking company acting as treasurer, of a fund to be called the County Fund; and no money shall be paid except upon a resolution of the Council or Finance Committee, and a draft signed by three or more members of the Council in such manner as the Council may direct.

Moneys to  
be paid to  
credit of  
County  
Fund.

42. If the Council shall refuse or neglect to make any order for the payment or assessment of money which by law they ought to make, any party interested in such payment may apply to the Court of Queen's Bench for a mandamus to compel them to make such order.

Mandamus  
to lie to  
Council.

43. Any order made by the Council for the execution of any public work or the payment of any money may be removed by certiorari into the Court of Queen's Bench, in the same manner as presentments may now be removed, and may, if in any respect contrary to law, be quashed by such Court.

Orders re-  
moveable by  
certiorari.

44. Whenever by any law or statute now in force the grand jury of any county are authorised or required to present any sum

Application  
for compen-  
sation for

A.D. 1875.  
malicious  
injury to be  
heard by a  
grand jury.

of money by way of compensation for malicious injury to property, or for any loss or injury resulting from any outrage or crime, the grand jury of such county, notwithstanding this Act, shall and may make such presentment in any case in which they are now authorised by law to make the same.

5

Proceedings  
to obtain  
compensa-  
tion.

45. The proceedings to obtain such compensation shall be as follows:—It shall not be necessary to make any application to presentment sessions preparatory to such presentment, and in lieu and stead of any of the requirements now existing by law, it shall be sufficient if the party seeking such compensation gives 10 notice to the secretary of the County Council. Every such notice shall set out the nature of the claim, the circumstances from which such claim is alleged to arise, and the amount claimed. Every such claim shall be made at least two months before the assizes at which the presentment is intended to be sent before the grand jury; 15 and such claim must in all cases be lodged within three months after the injury, crime, or outrage from which the claim is alleged to have arisen, or, if the claim shall arise from any murder, before the death of the person alleged to be murdered, and shall be accompanied by an affidavit, duly sworn before any justice of the peace 20 for the county, that the applicant believes such claim to be founded in truth.

Grand jury  
may present  
compensa-  
tion.

46. Every such claim shall be lodged with the clerk of the Crown at least one week before the day fixed for the opening of the commission at the assizes at which such claim is to be preferred, 25 or, in the county of Dublin, one week before the term, and thereupon the said claim shall be submitted to the grand jury, and upon the assembling of the grand jury at the assizes a presentment shall be sent up to the grand jury by the person or persons claiming compensation, in which the grounds upon which such claim is made 30 shall be set forth with good and sufficient averments to show that such claim is authorised by law, and thereupon the grand jury shall examine into the matter of such presentment, and shall hear witnesses in support of the same, and they may either ignore or find such presentment; and if they shall find such presentment, 35 they shall find such compensation as they may think justly and properly payable to the claimant or claimants; and the proceedings upon such presentment shall be deemed to be a part of the criminal business of the county, save and except that the witnesses shall be heard in a court open to the public, and the members of the 40

grand jury shall give their votes openly for or against such presentment. A.D. 1875.

47. Every presentment made for such compensation by a grand jury shall be a record of the court of oyer and terminer held at such assizes; and it shall and may be lawful for such court of oyer and terminer, or any court of oyer and terminer at any succeeding assizes, to give judgment thereon as herein-after mentioned. Presentment to be record of assize court.

48. Such presentment may be dealt with by the judge or judges of the court of oyer and terminer in the same manner in all respects as any indictment found by a grand jury may be dealt with by the said judge or judges; and any presentment so found by the grand jury may be traversed either by the Representative Council or by any ratepayer; and upon such traverse being taken, the judge in any county, except the county of Dublin, shall direct the same to be tried by a jury, either at the then or the next ensuing assizes, and such trial shall take place in the same manner as the trial of any issue of not guilty on an indictment for misdemeanor. The traverse shall be taken by an entry in the Crown book that the person traversing opposes the presentment, and thereupon the person sustaining the presentment shall be required to prove before the jury that shall try such traverse all the facts necessary to sustain such presentment; and the jury may find a verdict in favour of the traverse, or in favour of the applicant, for such sum as they shall think fit, not exceeding that found by the grand jury. In the county of Dublin the same proceedings shall be had in the Court of Queen's Bench. Presentment may be traversed.

49. The judge at any assizes may reserve any question of law arising upon the trial of such traverse in the same manner as questions arising upon criminal trials are reserved for the Court of Crown cases reserved. Questions may be reserved.

50. Whenever a presentment is found of favour of the application, and same is not traversed, or, if traversed, a verdict is found in favour of the applicant, and such presentment is finally confirmed, the judge, or, in the county of Dublin, the Court of Queen's Bench, shall give judgment for the same, and make an order that the applicant shall be paid the sum for which judgment shall be finally obtained, together with his costs in that behalf properly incurred; and such order shall be transmitted by the clerk of the Judge to order payment.



A.D. 1875. Crown to the secretary of the Representative Council; and the Representative Council shall thereupon include the sum so ordered to be paid in their estimate and rate.

51. Every presentment for compensation for malicious injury, or arising out of any crime or outrage, may be removed by certiorari into the Queen's Bench, in the same manner as any indictment found or to be found for any criminal offence may be removed; and the Court of Queen's Bench shall exercise over every presentment so removed, and over the trial thereof, the same jurisdiction and authority as they now exercise over any indictment so removed; and in case of such removal, the presentment and all subsequent proceedings shall be and be deemed to be a record of the Court of Queen's Bench.

Appointment  
of board of  
superintend-  
ence.

52. The board of superintendence of the prison of every county in Ireland shall be appointed in the following manner; that is to say, at the general court of magistrates held in the month of February in each year, the justices there assembled shall appoint four of their number to be members of the board of superintendence of the county prison, and shall direct the clerk of the peace to transmit the names of the persons so nominated to the County Council; the Council shall thereupon nominate eight other persons, two of whom at least shall be magistrates, to be members of the said board; and the twelve persons so elected, on being submitted to the judge at the assizes, or, in the county of Dublin, to the Court of Queen's Bench, and recorded in the Crown book, shall constitute and be the board of superintendence from the time they shall be so submitted until the Spring assizes, or, in the county of Dublin, the Easter term of the ensuing year.

Provision as  
to present-  
ment ses-  
sions.

53. Subject to the provisions herein-before and herein-after contained, presentment sessions shall be held for each barony in the manner now required by law; no presentment sessions shall be held for the county at large, and all matters or things which may require the approval of such last-mentioned sessions to authorise a presentment by the grand jury may be done by the Council without such approval.

Associated  
cesspayers to  
be elected.

54. From and after the tenth day of October one thousand eight hundred and seventy-five, the cesspayers in each barony to be associated with the justices in each barony shall be those chosen in manner following; that is to say, the Representative Council shall,



as soon as conveniently may be after their election, fix and determine the number of cesspayers in each barony that shall be associated with the justices at presentment sessions. On the tenth of October following, and on the tenth of October in any succeeding year, the ratepayers of each barony shall, at the same time as they elect representatives to the Council, and in the same manner in all respects, elect the appointed number of cesspayers, and the persons so elected shall be the cesspayers to be associated with the justices at all presentment sessions for the barony to be held within the ensuing year.

A.D. 1875.

55. In the counties of the cities of Limerick, Waterford, and Kilkenny, and in the county of the town of Drogheda, all the powers now exercised by the grand juries of such counties in relation to fiscal matters respectively from and after the passing of this Act shall be vested in and transferred to the town council of the said cities and towns respectively; and all the provisions of this Act shall, so far as the same are applicable, be in force in relation to the management of all public moneys now raised in such cities and towns by grand jury presentment.

Provision as to counties of cities and towns.

56. If at any time hereafter the town of Carrickfergus or the town of Galway shall obtain a charter of incorporation under the Acts regulating municipal corporations in Ireland, all the powers now exercised by the grand jury of the county of the town shall be transferred to and vested in the councils elected under such charter; and in the meantime, from and after the first day of January next, they shall, as to the county of the town of Carrickfergus, vest in and be exercised by the Representative Council of the county of Antrim, and as to the county of the town of Galway by the Representative Council of the county of Galway; and the ratepayers of each of such towns shall, by an election to be held in manner herein-before mentioned, elect four representatives, and the justices of the peace two justices, to represent such towns on the said Representative Councils respectively.

Provision as to Carrickfergus and Galway.

57. And whereas it is expedient to place the management of the sums received for lunatic asylums under the control of the representatives of the taxpayers: From and after the seventeenth March next all the powers of the present governors of any lunatic asylum supported wholly or in part [by grand jury presentment shall cease and determine.

Provisions as to lunatic asylums.

A.D. 1875.

Privy Council to determine number of governors.

One fourth to be appointed by Lord Lieutenant.

Two thirds of the rest to be elected by council, one third by justices.

Provisions where more than one county contributes.

Provisions as to cities and town corporate.

Number of governors to be such as to accord with these provisions.

Orders may be varied.

Lord Lieutenant may hear objections to orders.

**58.** It shall be lawful for the Lord Lieutenant and Privy Council to fix and determine the number of governors which shall in future be appointed for each such lunatic asylum in Ireland.

**59.** Of such governors one fourth of the number, and no more, shall be appointed by the Lord Lieutenant; any law, statute, or 5 usage to the contrary notwithstanding.

**60.** In case only one county contributes to the expense of the lunatic asylum, the remaining three fourths of the governors shall be appointed in manner herein-after mentioned; that is to say, two thirds of the number shall be appointed by the council of 10 the county, and one third by the general court of magistrates.

**61.** In any case in which the expense of such lunatic asylum is borne partly by one county and partly by another, or partly by a county and partly by a county of a city or town, the order of the Privy Council fixing the number of governors shall also determine 15 the proportion of elected governors which shall be chosen by each of the contributory counties, having regard to the amount contributed by each of such counties to the expense.

**62.** The governors to be elected by any county at large shall be chosen, two thirds by the council of the county, and one third by 20 the general court of magistrates; the governors to be elected by any county of a city or town shall be elected by the town council of such city or town, unless in the counties of the towns of Galway and Carrickfergus, in which they shall be chosen by the councils of the counties of Galway and Antrim respectively. 25

**63.** In making an order fixing the number of governors to be appointed, and the proportions in which they shall be elected, regard shall be had to fix such numbers as may admit of the divisions directed by this Act.

**64.** Any such order may from time to time be varied by the 30 Lord Lieutenant and Privy Council on notice to all the parties interested.

**65.** The Lord Lieutenant and Council may, before making or varying any order, hear any persons whom they may think fit objecting to the making of any proposed order, or the variation of 35 one already made.

66. Any vacancy in the office of governor shall be filled up in the same manner as the person was appointed by whose ceasing to be a governor the vacancy shall have been caused, unless a variation in the order shall make such election inconsistent with the altered state of things.

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Vacancies in office of governor to be filled up.

67. From and after the first day of January next, all property, of what nature or kind whatsoever, which is now held by any grand jury or by any one in trust for them, or which is or is declared to be vested in any county or in any body in trust for such county, shall be and become the property of the Representative Council of each county respectively, and in the counties of cities and towns hereinbefore mentioned shall be and become in like manner the property of the bodies in whom the fiscal powers of the grand jury are vested by this Act.

Property of grand juries to vest in councils.

68. No contract heretofore entered into by or with any grand jury or any one on their behalf shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the body in whom the fiscal powers of the grand jury are vested by this Act shall, as to all such contracts and rights and liabilities, be in the same position as if the contract had been made by or with them, or in trust for them, instead of the grand jury, and they shall have, in relation to all such contracts and matters, the same power as any grand jury would have had if this Act had not been passed; and all arrears of any rate levied by grand jury presentment, and which shall be unpaid on the first day of November next, shall vest in and be the property of the body to whom the fiscal powers of the grand jury are transferred, and shall be recoverable by them in the same manner in all respects as any rate or rates imposed by them under the authority of this Act.

Contracts to continue in force.

69. Until the Representative Council of any county shall fix the qualification of persons to be elected members of the Council, and the qualification of persons to be elected as associated ratepayers, every person, and no other, shall be deemed to be qualified to be elected a member of the Representative Council, or an associated cesspayer by the ratepayers of any barony, who would be qualified to be elected as a poor law guardian in any of the unions situate wholly or in part within such barony pursuant to the regulations prescribed for such qualification.

Qualification of councillors and cesspayers.



A.D. 1875.

Duties of  
council.

**70.** The Representative Council of every county shall be bound to do and perform the following things :

They shall assess, levy, and pay all such moneys as by any law ought to be assessed, levied, and paid :

They shall keep all the public roads, bridges, and highways of the county in good and sufficient order and repair :

They shall keep, provide, and maintain all such courthouses, gaols, prisons, bridewells, and houses of correction within the county as may be necessary for the convenient administration of justice.

10

In case they shall neglect to perform any of the aforesaid matters or things, or any other matter or thing whatsoever which by law they ought to do, a mandamus shall issue from the Court of Queen's Bench to compel them so to do, upon the application of Her Majesty's Attorney General, or of the Local Government Board, or of any person interested in the performance of the matter or thing which they shall so neglect ; and if such mandamus shall issue to compel the repair of any public road or highway, it shall not be an answer to such mandamus that the presentment sessions of the barony have not approved of such work ; and if a peremptory mandamus shall issue in obedience to such writ, the Council shall proceed to execute such work in the same manner as if it had been so approved, and shall charge against the barony the interest on their proper proportion of the cost of such work, and all the costs to which they shall be put by reason of such mandamus.

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Power of  
Council to  
make bye-  
laws.

**71.** In addition to and not in substitution for any power of making byelaws which may be vested in them by reason of any of the provisions herein-before contained, the Representative Council of every county shall have power to make any reasonable byelaws not only for the regulation of their own proceedings and of the duties of their officers and servants, but also as to any of the matters herein-after mentioned ; and they may, if they think fit, by any such byelaw, impose a penalty not exceeding five pounds for every violation of same ; that is to say, they may make byelaws for any of the following purposes :

35

For the regulation of all contracts for public works to be paid for by county rate, and of the execution of any works undertaken in pursuance of same :

For the better regulation of the roads within the county and of the traffic on same, and for the prevention of nuisance or

40



obstruction in any manner interfering with the safe and convenient use of such roads : A.D. 1875.

For the regulation of the election of the persons to be chosen by the ratepayers of each barony, either as members of the Council or cesspayers, in the following respects ; that is to say,

Fixing the person to act as returning officer :

Determining the place of election, and the number and situation of polling places :

Regulating the notice to be given of such elections :

Determining the qualifications of the persons so to be elected :

Provided always, that such byelaws shall not be inconsistent with this Act, or contrary to the general laws of the realm ; but nothing in this section contained shall be construed to weaken or take away any right or power of making byelaws which the Council would have if this section were not contained in this Act.

72. No byelaw so made by the Council, except one regulating its own proceedings, shall have any force or effect unless and until same shall be allowed by the Lord Lieutenant and Privy Council, which allowance shall not be given until a period of twenty-one days after a copy of such byelaw has been sent under the common seal of the Council to the Lord Lieutenant ; and immediately on any byelaw being passed by the Council, same shall be printed, and a printed copy of same shall be kept in the office of the Council to be inspected by any one who shall desire so to do ; and printed copies shall be sent to the chairman and clerk of every board of guardians within the county, and also to the mayor and town clerk of every town corporate, and also to the chairman of all town and municipal commissioners of any town within the county ; and a copy under the seal of the Council shall be sent to the clerk of the peace, and also to the lieutenant of the county, to be submitted to the general court of magistrates of the county ; and a printed copy shall be given at a reasonable price to any person who shall apply at the office of the Council for the same.

Byelaws to be approved.

73. Any byelaw so made by the Council, whether approved of or not, may be removed by certiorari into the Queen's Bench, and may, upon sufficient ground being shown to the court, be quashed.

Byelaws may be removed by certiorari.

74. All penalties imposed by any byelaw shall be recoverable in the manner provided by the Petty Sessions (Ireland) Act, 1851 ;

Penalties to be recovered.

A.D. 1875. and all the proceedings in relation thereto shall be subject to and in accordance with the provisions of that Act.

Application  
of penalties.

**75.** All penalties imposed at any petty sessions within the county, whether for offences against any byelaw or under any law or statute, shall, unless so far as same are payable to any private individual, be paid over to the county treasurer for the use of the county fund. 5

Members of  
Council, &c.  
not to be  
interested in  
any contract,  
or hold any  
office of  
profit, under  
the Council.

**76.** No member of the Representative Council, or any of their officers or servants, shall be directly or indirectly concerned in or have any interest in any contract for any work, or the supply of any matter or thing to be paid for out of the county fund; and no members of the Council shall be appointed to or hold any office or place of profit under the Council, or receive any emolument out of the county fund, save and except the chairman of the Finance Committee, if he shall be authorised by any byelaw to be made to that effect; and if any member of the Council shall offend herein, he shall be incapable of continuing a member of the Council, and his place in same shall be vacant; and he shall be liable to a penalty of one hundred pounds, to be recovered, with full costs of suit, in an action in any one of the superior courts of common law at suit of the Representative Council, or, if the Council shall not commence such action within one month after a notice shall be delivered to the secretary, signed by any three ratepayers, calling on them to bring such action, then at the suit of any ratepayer who will sue for the same. 10 15 20 25

Acts re-  
quired to be  
done on a  
day happen-  
ing to fall  
on a Sunday.

**77.** Whenever any act so herein-before appointed to be done on any specified day of the year, and such day shall happen on any day to fall on a Sunday, the act so appointed to be done shall be done on the day following.

Short title of  
Act.

**78.** This Act may be cited for all purposes as "The Representative Councils (Ireland) Act, 1875." 30



# County Boards (Ireland).

A

## B I L L

To provide for the better administration of Public Moneys now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties for the management of Local Affairs.

*(Prepared and brought in by  
Mr. O'Shaughnessy and Mr. Butt.)*

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*Ordered, by The House of Commons, to be Printed,  
8 February 1875.*

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[Bill 27.]

*Under 3 oz.*



## County Boards (Ireland). No. 2 Bill.

### ARRANGEMENT OF CLAUSES.

#### Clause.

1. An elective board substituted for grand jury.
2. Board to consist of twenty-three members.
3. County to be divided into board districts.
4. Determination of number of members to be allotted to each district.
5. Qualification of board members.
6. Qualification of voter.
7. Date of election.
8. Notice of election.
9. Mode of nomination.
10. Returning officer to decide on validity of nomination paper.
11. Candidate may resign.
12. If more candidates than local members to be returned, poll to be adjourned.
13. Voting to be by ballot.
14. Ballot-boxes may be forwarded by post.
15. Votes to be counted as provided by Ballot Act.
16. Returning officer to return board members.
17. County board a body politic.
18. Meetings of county board.
19. Acts of board valid when not complete.
20. Officers of grand jury transferred to county board.
21. Constabulary to post notices.
22. Corrupt Practices Municipal Act, 1872, incorporated with Act.
23. Ballot Act, 1872, incorporated with Act.
24. Ballot papers to be dealt with as in Ballot Act.
25. Barony constable to assist.
26. Dates to be altered.
27. Elections not to be held on Sunday.
28. Returning officer entitled to expenses.

Clause.

29. County board to present for expenses.
30. No paid agents.
31. Sheriff returning officer.
32. Sections of Commissioners Clauses Act incorporated.
33. Lord Lieutenant to make orders.
34. Orders to be laid before Parliament.
35. Meaning of terms.
36. Title of Act.
37. Act may be amended.
38. Extent of Act.

SCHEDULES.

A  
B I L L

TO

Establish Elective County Boards in Ireland.

**W**HEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates : A.D. 1875.

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

10 **1.** A board shall be established in each county in Ireland to be called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall  
15 cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been  
20 exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

An elective board substituted for grand jury.

**2.** The county board shall consist of twenty-three board members ; twenty-one of such members being elected as afterwards provided, and the remaining two being the parliamentary members for the county in which such board is elected, who shall be *ex officio* members of the same.

Board to consist of twenty-three members.

Seven of the so elected twenty-one board members shall retire each year, but shall be capable of re-election.

30 **3.** The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and seventy-five* divide each county in Ireland into board districts for the election of board members, and may alter such

County to be divided into board districts.

[Bill 51.]

A



- A.D. 1875. — division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed seven. 5
- Determina-  
tion of  
number of  
members to  
be allotted to  
each district. 4. The Lord Lieutenant, by and with the advice of the privy council in Ireland, shall before the *first of October one thousand eight hundred and seventy-five* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such 10 number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-one to be returned for the county which the number of voters in such board district bears to the whole number 15 of voters in the county in which such district is situated.
- Qualification  
of board  
members. 5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer 20 owning or occupying any real property within the county.
- Qualification  
of voter. 6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No 25 person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes. 30
- Date of  
election. 7. On the *first day of November one thousand eight hundred and seventy-five*, the twenty-one board members for the ensuing year, to be counted from the first day of November, shall be elected. On the first day of November in every subsequent year the seven board members to be elected in place of those retiring by rotation shall be 35 elected.
- Notice of  
election. 8. The returning officer shall on the twentieth day of October in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of worship, 40 and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the first day of Novem-



ber next he shall proceed to the election of board members, and will up to four o'clock on the first day of November receive nominations for candidates for election for the different board districts of said county for which board members are to be elected. The notice to be published  
 5 on the twentieth of October one thousand eight hundred and seventy-five shall state that twenty-one board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the twentieth of October one thousand eight hundred  
 10 and seventy-five shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

A.D. 1875.

9. Every nomination shall be in writing and in the form in the  
 15 second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to  
 20 receive the same if he thinks fit in the different board districts. Such nomination papers may be transmitted by post.

Mode of nomination.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark  
 on each a number and date according to the order in which the  
 25 same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper informal, he shall  
 30 within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

Returning officer to decide on validity of nomination paper.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the  
 35 objection shall be final; but if allowing the same shall be subject to reversal on petition questioning the election or return.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the first day of November  
 duly tender to the returning officer his refusal in writing to such  
 40 office the returning officer shall omit and strike out the name of such person from the list of candidates.

Candidate may resign.

A.D. 1875.

If more candidates than local members to be returned, poll to be adjourned.

**12.** On the first day of November in every year if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same 5 accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the first day of November adjourn the poll for such board districts to that day week. If for any board district no candidates are nominated or not a sufficient 10 number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning 15 officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

**13.** The poll at any contested election for board members shall be conducted by the returning officer, and shall so far as circumstances admit, be conducted in the manner in which the poll is under the 20 Ballot Act 1872 directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: 25 Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning 30 officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

**14.** The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the 35 Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

**15.** On the tenth day of November and from that day continuously 40 the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as  
 5 relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

**16.** As soon as such counting shall have taken place, or in the event of there being no contest for any board district on the first day of November, the returning officer shall make a return under his  
 10 hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council of the name of every board member whom he shall declare to be returned.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned.  
 15 In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving  
 20 officer shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such  
 25 return to the clerk of the hanaper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or  
 30 more candidates the returning officer, if necessary, to prevent an excess in the number of board members for any board district shall decide by lot which of such candidates are to be elected.

**17.** The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and  
 35 shall be called by the name of the "County Board for the County of \_\_\_\_\_," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

**18.** The county board shall meet at such times and at such places as shall be enjoined by order of the Lord Lieutenant with the  
 40 advice of the Privy Council.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

A.D. 1875.

Returning officer to return board members.

County board a body politic.

Meetings of county board.



A.D. 1875. heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board  
valid when  
not complete.

19. In case the full number of board members shall not be elected 5 at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no 10 such vacancy occurred, and as if the number of such board were complete.

Officers of  
grand jury  
transferred  
to county  
board.

20. In every county all officers, clerks, barony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act 15 transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and seventy-five*, be attached to and under the control of the county board for such county.

Constabulary  
to post  
notices.

21. The nominating officer shall be entitled to require the con- 20 stabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt  
Practices  
Municipal  
Act, 1872,  
incorporated  
with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

“Borough” includes county. 25

“Office” includes sheriff, sub-sheriff, and board member.

“Town clerk” includes clerk of the peace.

“Borough rate or fund” includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

“Register” includes the different parliamentary voting lists for 30 the polling districts which form any board district.

Ballot Act,  
1872, in-  
corporated  
with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Pro-  
vided as follows,—

(a.) In Part III. the expression “municipal” includes county board: 35

(b.) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election 40 is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's superior



courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill

A.D. 1876.

court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply to a county board election.

5

The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by sections six and fourteen of such Act for parliamentary elections.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the hanaper office, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

Ballot papers  
to be dealt  
with as in  
Ballot Act.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum of one guinea.

Barony  
constable  
to assist.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court of such county.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

Dates to be  
altered.

27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

Elections not  
to be held on  
Sunday.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses shall not exceed for each polling place in the county the sum of three pounds.

Returning  
officer en-  
titled to  
expenses.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off such county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

County board  
to present for  
expenses.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. The election of any candidate who employs such an agent shall be void.

No paid  
agents.

A.D. 1875.

Sheriff  
returning  
officer.Sections of  
Commis-  
sioners  
Clauses Act  
incorporated.  
10 Vict. c. 16.Lord Lieu-  
tenant to  
make orders.Orders to be  
aid before  
Parliament.Meaning of  
terms.

Title of Act.

Act may be  
amended.  
Extent of  
Act.

**31.** The sheriff of each county shall be the returning officer for the election of the county board.

**32.** The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101: Provided as follows in the above sections: commissioner includes board member; ward includes board district; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted first of November. In section 20, commissioners shall mean twenty-one elected commissioners.

**33.** The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and seventy-five* to make general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections: Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.

**34.** All such general orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament if then sitting; or if Parliament be not then sitting, within five days after the next meeting thereof: Provided always, that if either of the Houses of Parliament shall by any resolution passed within thirty-six days after such general orders have been laid before such Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.

**35.** The following words or expressions in this and any Act incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say),

Secretary or secretary to general jury includes secretary to county board:

Real property shall include chattels real:

Registry of voters, registry of voters for parliamentary elections.

**36.** This Act may be cited as the County Board (Ireland) Act, 1875.

**37.** This Act may be amended or repealed during the present session.

**38.** This Act shall extend to Ireland only.

SCHEDULES.

A.D. 1875.

SCHEDULE I.

	50 Geo. III. c. 102.	8 & 9 Vict. c. 81.	19 & 20 Vict. c. 37.
	1 & 2 Geo. IV. c. 33.	8 & 9 Vict. c. 107.	19 & 20 Vict. c. 63.
5	4 Geo. IV. c. 33.	9 & 10 Vict. c. 2.	19 & 20 Vict. c. 68.
	4 Geo. IV. c. 43.	9 & 10 Vict. c. 37.	19 & 20 Vict. c. 99.
	5 Geo. IV. c. 93.	9 & 10 Vict. c. 71.	20 & 21 Vict. c. 15.
	6 Geo. IV. c. 52.	9 & 10 Vict. c. 86.	21 & 22 Vict. c. 103.
	6 Geo. IV. c. 101.	9 & 10 Vict. c. 97.	23 Vict. c. 4.
10	7 Geo. IV. c. 74.	9 & 10 Vict. c. 115.	23 & 24 Vict. c. 119.
	3 & 4 Wm. IV. c. 37.	10 & 11 Vict. c. 87.	23 & 24 Vict. c. 152.
	3 & 4 Wm. IV. c. 78.	11 & 12 Vict. c. 1.	23 & 24 Vict. c. 150.
	4 & 5 Wm. IV. c. 90.	11 & 12 Vict. c. 26.	24 & 25 Vict. c. 63.
	6 & 7 Wm. IV. c. 13.	11 & 12 Vict. c. 32.	24 & 25 Vict. c. 71.
15	6 & 7 Wm. IV. c. 116.	11 & 12 Vict. c. 51.	25 & 26 Vict. c. 106.
	7 Wm. IV. & 1 Vict.	11 & 12 Vict. c. 69.	27 & 28 Vict. c. 17.
	c. 2.	13 & 14 Vict. c. 69.	30 & 31 Vict. c. 112.
	1 Vict. c. 54.	13 & 14 Vict. c. 85.	33 & 34 Vict. c. 9.
	2 & 3 Vict. c. 50.	14 & 15 Vict. c. 85. s. 4.	34 & 35 Vict. c. 25.
20	3 & 4 Vict. c. 44.	16 & 17 Vict. c. 38.	34 & 35 Vict. c. 42.
	5 & 6 Vict. c. 42.	16 & 17 Vict. c. 136.	35 & 36 Vict. c. 42.
	5 & 6 Vict. c. 81.	17 & 18 Vict. c. 36.	36 & 37 Vict. c. 39.
	6 & 7 Vict. c. 44.	17 & 18 Vict. c. 103.	37 & 38 Vict. c. 76.
	7 & 8 Vict. c. 106.	18 & 19 Vict. c. 109.	

SCHEDULE II.

NOMINATION PAPER.

We, the undersigned, *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_  
being electors for the \_\_\_\_\_ of \_\_\_\_\_ do hereby  
nominate the following person as a proper person to serve as local member for  
30 the board district of \_\_\_\_\_ in the said county for the county  
board of \_\_\_\_\_

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
Brown	- John	- 52, Sackville Street, Dublin	Farmer.

35 *A.B.*  
*C.D.*



County Boards  
(Ireland). No. 2.

---

A

B I L L

To establish Elective County Boards in  
Ireland.

(Prepared and brought in by  
Captain Nolan, Mr. Fay, and Mr. O'Clery.)

---

*Ordered, by The House of Commons, to be Printed,  
9 February 1875.*

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[Bill 51.]

Under 2 oz.



[To be substituted for the  
Bill already delivered.]

[38 VICT.]

*County Coroners.*

1

A  
B I L L

TO

Alter and amend the Law relating to the Election of County Coroners. A.D. 1875.

WHEREAS it is expedient to amend the law relating to the election of county coroners in England :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That so much of any Act of Parliament or of any custom or usage as provides for or regulates the election of any coroner for any county, riding, division, or district in England and Wales, the election to which is now by law in the freeholders of such county, riding, division, or district, and who is paid out of the county rates, shall be repealed and annulled, and in lieu thereof the following provisions shall have and take effect.

Repeal of  
old enact-  
ments and  
substitution  
of new.

(1.) Upon any vacancy by death, removal, resignation, or otherwise, occurring in the office of such coroner as aforesaid, it shall be competent for any two justices of the peace of and for such county, riding, division, or district to certify under their hand the fact of such vacancy to the Lord Chancellor for the time being, whereupon it shall be lawful for the said Lord Chancellor to issue his precept to the clerk of the peace for such county, riding, division, or district, directing him forthwith to summon by public notice, in the usual way in which county notices are published, the justices of the peace of such county, riding, division, or district to assemble at a special general session to be holden not earlier than fourteen days nor later than twenty-one days from the publication of such notice, at the usual place of holding the quarter sessions of the peace for such county, riding, division, or district, then and there to proceed to the election of a coroner in the place of such coroner so deceased, removed, resigned, or otherwise ceasing to be such coroner as aforesaid.

Upon a  
vacancy in  
the office of  
coroner, the  
Lord Chan-  
cellor to issue  
his precept  
for an elec-  
tion of a new  
coroner.

[Bill 174.] +

A

A.D. 1875.

Clerk of the peace to give public notice to justices and candidates of the time and place of election.

Election of coroner by the justices.

Justices to certify on the precept to the Lord Chancellor the result of the election.

Clerk of the peace to return precept to the Lord Chancellor.

Clerk of the peace to notify his election to the successful candidate. The coroner to make a declaration before acting.

22 Vict. c. 26.  
27 & 28 Vict.  
c. 42.  
28 & 29 Vict.  
c. 126.  
29 Vict. c. 31.  
29 & 30 Vict.  
c. 68.  
29 & 30 Vict.  
c. 113.

23 & 24 Vict.  
c. 116.  
5 & 6 W. 4.  
c. 76. s. 62.

- (2.) Upon the receipt of such precept the said clerk of the peace shall forthwith give such notice as aforesaid, and shall also forthwith give public notice, to be published as aforesaid, notifying to all persons desirous of becoming candidates for such office of coroner to forward to him, 5 four days at least before the day of holding such special general sessions, their applications for appointment to such office.
- (3.) At such special general sessions as aforesaid the said clerk of the peace shall lay before the justices of the peace 10 then assembled all such applications for such office as he shall have received as aforesaid; and at such sessions, or at some adjournment thereof, which adjournment shall not be for a longer period than twenty-one days, the said justices shall elect from amongst the said candidates a 15 fit and proper person to fill the said office of coroner as aforesaid.
- (4.) The said justices, under the hand of the chairman for the time being, to be countersigned by the clerk of the peace, shall endorse upon the precept the fact that they have, 20 in pursuance of such precept, elected a coroner, and shall state in full his christian and surnames, and his place of abode, together with his style, degree, profession, or occupation.
- (5.) The clerk of the peace shall thereupon return the said precept 25 to the Lord Chancellor.
2. The clerk of the peace shall forthwith after such election notify such election to the person so elected, who shall thereupon be deemed to be, and be fully qualified to act as, such coroner: Provided always, that before he shall do any act as such coroner, he 30 shall make the declaration set out in the schedule to this Act annexed, before some one or more justices of the peace acting in and for the said county, riding, division, or district.
3. And whereas by statute twenty-second Victoria, chapter twenty-six, provisions are made for granting superannuation allow- 35 ances to persons who shall have served in any established capacity in the permanent civil service of the State, and by several subsequent statutes provisions are made for superannuation allowances to officers of unions and parishes, to officers of prisons, to officers of vestries and other boards, and to persons holding certain offices 40 connected with the administration of justice in England:
- And whereas the office of coroner is a very ancient and important public office connected with the administration of justice, and coroners of counties are paid by salary, and coroners of municipal

boroughs by fees, during the time they respectively hold the office, but there is no provision made for granting them a superannuation allowance in case of age or infirmity: A.D. 1875.

Be it enacted as follows:

- 5 In case any coroner now in office or hereafter to be elected shall from age or infirmity become incapable of executing the duties of his office, it shall be lawful for the justices of the peace of any county, riding, division, or district, in general or quarter session assembled, and for the town council of any municipal borough,
- 10 (as the case may be,) upon the request of any coroner, to grant to such coroner an annuity, by way of superannuation allowance, for such an amount and under such regulations as are prescribed with reference to persons having held civil offices in the public service, by the said Act of the twenty-second Victoria,
- 15 chapter twenty-six, and shall charge such allowance to the same funds to which the salary or fees of such coroner would have been charged if he had continued in office: Provided always, that in case any such justices or town council and any such coroner shall be unable to agree as to the amount of such allowance, it shall be
- 20 lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, on the application of such coroner, to fix and determine the amount of such allowance, having regard to the provisions of the said statute, and also to the special circumstances of each case. 23 & 24 Vict. c. 116. s. 4.
- 25 4. Nothing herein contained shall be construed to abridge or affect the Royal prerogative, or any right vested in any person or persons to appoint by patent, or by election or otherwise, any coroner for any city, borough, liberty, franchise, manor, or place. Saving rights of the Crown, &c.
- 30 5. The statute of the seventh and eighth Victoria, chapter ninety-two, intituled "An Act to amend the law respecting the " office of County Coroner," and the statute of the twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, intituled "An Act to amend the law relating to the election and
- 35 the provisions thereof are repugnant thereto, be deemed to be incorporated with this Act. 7 & 8 Vict. c. 92. and 23 & 24 Vict. c. 116. incorporated with this Act.
- 40 6. The word "county" in and throughout this Act shall be deemed and taken to include all counties, ridings, divisions, districts, hundreds, wards, liberties, and other places, the coroners whereof are paid out of the county rates. Interpretation of the word "county." Act not to extend to Scotland or Ireland.
7. This Act shall not extend to Scotland or Ireland.
8. This Act may be cited as "The Election of County Coroners Amendment Act, 1875." How Act may be cited.



A.D. 1875.

SCHEDULE.*Form of Declaration to be made by a Coroner before acting.*County Coroners.

A

**B I L L**To alter and amend the Law relating to  
the Election of County Coroners.(Prepared and brought in by  
Mr. Henry Cole and Mr. David J. Jenkins.)Ordered, by The House of Commons, to be Printed,  
13 May 1875.

[Bill 174.] +

*Under 1 oz.*



# County Courts Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.

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### Clause.

1. In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.
2. Summonses to witnesses.
3. How service of summonses by a bailiff may be proved.
4. Judge may do certain things within or without his circuit.
5. As to appointment of assessors.

CLAUSE A.—Remuneration of officers under this and other Acts passed or to be passed.

6. Scale of costs to be framed by the judges.
7. Appointment of high bailiff as registrar to vacate high bailiffship.
8. Enactments in Schedule (C.) repealed.
9. This Act and other County Courts Acts to be construed together.
10. Commencement of Act.

### SCHEDULES.

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A  
B I L L

INTITULED

An Act to amend the Acts relating to the County Courts. A.D. 1875.

NOTE.—*The words printed in red ink are proposed to be inserted in Committee.*

**W**HEREAS it is desirable to amend the Acts relating to the county courts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In any action in a county court for a debt or liquidated money demand exceeding five pounds, or for the price or value of goods or chattels, which, or some part of which, were sold and delivered to the defendant to be used or dealt with in the way of his trade, profession, or calling, the plaintiff may, at his option, cause to be issued a summons in the ordinary form, or (upon filing an affidavit to the effect set forth in the form in Schedule (A.) to this Act), a summons in the form or to the effect given in  
15 Schedule (B.) to this Act, and if such last-mentioned summons be issued it shall be personally served on the defendant by the bailiff of the court, or, by leave of the judge or registrar, by the plaintiff, or his attorney, or by some clerk or servant over twenty-one years of age in the permanent and exclusive employ of the  
20 plaintiff, or his attorney, and if the defendant shall not, within sixteen days after service of the summons, inclusive of the day of service, give notice in writing, signed by himself or his attorney, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, after sixteen days and within  
25 two months from the day of service, upon proof of its service, or of an order for leave to proceed as if personal service had been effected, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar.

In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.

The order upon such judgment shall be for payment forthwith,  
30 or at such time or times, and by such instalments, if any, as the  
[Bill 156.] A

A.D. 1875. plaintiff, or his attorney, shall in writing have consented to take at the time of the entry of the plaint or of the judgment.

Where the defendant shall have given notice of defence, the registrar shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney by post, stating therein that the defendant has given notice of his intention to defend, and shall send by post, to both plaintiff and defendant, notice of the day upon which he shall have fixed that the trial shall take place.

Where the defendant shall neglect to give such notice of defence, the judge or registrar shall, upon an affidavit disclosing a defence upon the merits, and satisfactorily explaining his neglect, let in the defendant to defend, upon such terms as he may think just.

Where personal service cannot be effected, and the judge or registrar is satisfied by affidavit that reasonable efforts have been made to effect such service, and either that the summons has come to the knowledge of the defendant, or that he wilfully evades service of the same, it shall be lawful for the judge or registrar to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge or registrar may seem fit.

Summonses  
to witnesses.

2. Either of the parties to an action or any other proceeding may obtain of the registrar of the court summonses to witnesses, to be served either by one of the bailiffs of the court, or (by leave of the judge or registrar) by the party, or the attorney of the party, requiring the summons, or by some servant or clerk over twenty-one years of age in the permanent and exclusive employment of such party, or his attorney, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness.

How service  
of sum-  
monses by a  
bailiff may  
be proved.

3. Where any summons or other process of the court is served by a bailiff of any county court, the service may be proved by endorsement on a copy of the summons or process under the hand of such bailiff, showing the fact and mode of the service of such summons or process; and any such bailiff wilfully and corruptly endorsing any false statement on the copy of a summons or other process shall be guilty of a misdemeanor, and on conviction thereof shall be removed from his office or employment, and shall incur the same penalties as are or may be incurred by persons convicted of wilful and corrupt perjury.

Judge may  
do certain  
things within  
or without  
his circuit.

4. A judge of county courts shall, whether within the district of any of his courts or not, have jurisdiction to make any order, or exercise, on an ex parte application, any authority or jurisdiction in



any action pending in any of the courts of which he is judge, which, if the same related to an action or suit pending in one of Her Majesty's superior courts, might be given, made, or exercised by a judge of such last-mentioned courts in chambers. A.D. 1875.

- 5 5. In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so acting shall be at such rate as may be prescribed, and shall be costs in the cause or proceeding, unless otherwise ordered by the judge. As to appointment of assessors.

- 15 The Treasury shall direct whether any and what remuneration shall be allowed to any person performing any duties under this Act, or under any Act passed heretofore or to be passed, where by such Act no remuneration is or shall be given for the performance of duties by officers of the courts; and such remuneration shall be paid out of the fees which the Treasury, with the consent of the Lord Chancellor, is empowered by section seventy-nine of the County Courts Act, 1856, to order to be taken on proceedings which were then authorised or might thereafter be authorised to be taken in the County Courts. CLAUSE A. Remuneration of officers under this and other Acts passed or to be passed.
- 20

This section shall not apply to the City of London Court.

- 25 6. The judges of county courts appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts and forms of proceeding therein under the thirty-second section of "The County Courts Act, 1856," shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings which are now, or shall hereafter be, authorised to be taken in such courts, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges, or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same, and the scale or amended scale, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court. Scale of costs to be framed by the judges.
- 30

- 35 7. The appointment of a high bailiff of a county court as registrar of a county court shall vacate the office of high bailiff held by such appointee. Appointment of high bailiff as registrar to vacate high bailiffship.
- 40

A.D. 1875.

Enactments  
in Schedule  
(C.) repealed.

8. The several enactments specified in Schedule (C.) to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule; but this repeal shall not affect the course of any proceeding taken before such repeal.

This Act and  
other County  
Courts Acts  
to be con-  
strued  
together.

9. This Act and "The County Courts Act, 1846," and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as "The County Courts Act, 1875."

Commence-  
ment of Act.

10. This Act shall come into operation on the second day of November next after the passing hereof.

A.D. 1875.

SCHEDULE (A.)

*Affidavit.*

I, *A.B.*, of, &c. make oath and say, that *C.D.* is indebted to me in the sum of

5 for [add where the action is brought for a demand not exceeding five pounds. And I further say that the were sold and delivered to the said *C.D.* to be used or dealt with in the way of his trade of a .]

*A.B.*

10 Sworn at, &c.

SCHEDULE (B.)

*Summons to obtain Judgment by Default on Personal Service.*

No. [of *plaint*].

In the [title of court issuing summons].

15 [Seal.] Between *A.B.* [address and description], Plaintiff, and *C.D.* [address and description], Defendant.

TAKE NOTICE, That, unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the registrar of this court at [place of office] the notice given below, dated and signed by yourself or your attorney, you will not afterwards be allowed to make any defence to the claim which the Plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the Plaintiff may, without giving any further proof in support of such claim than the affidavit filed in court herein, proceed to judgment and execution. If you return such notice to the registrar within the time specified, the registrar will send you by post notice of the day upon which the action will be tried.

	£	s.	d.
Claim - -	...	...	...
Fee for plaint -	...	...	...
Attorney's costs (where payable)	...	...	...
Total amount of debt and costs }	...	...	...

Dated this day of 18 Registrar of the court.

To the Defendant. See below.

A.D. 1875.

[*Notice of intention to defend or to object to the jurisdiction of  
the Court.*]

No. [*of plaint*].In the [*title of court*].

A.B. v. C.D.

I intend to defend this cause [*or to object to the jurisdiction of the  
court on the ground or grounds here state the ground or grounds*].

Dated this

day of

18

\_\_\_\_\_) Defendant.

[*To be endorsed on the Summons.*]

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [*or by instalments, to be specified as in Plaintiff's written consent*].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the Plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to rely on a set-off, infancy, coverture, a statute of limitations, or a discharge under a Bankrupt or Insolvent Act, as a defence, you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, *if the debt exceeds five pounds*, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

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(\*) Here must be signed the name of defendant or of his attorney, and in the last case the words "attorney for" must be added.



## SCHEDULE (C.)

A.D. 1875.

	Reference to Act.	Title of Act.	Extent of Repeal.
5	9 & 10 Vict. c. 95. -	An Act for the more easy recovery of small debts and demands in England.	So much of section sixty-two as requires the service of a summons or other process to be proved by affidavit, and the whole of sections eighty-five and one hundred and three.
10	19 & 20 Vict. c. 108. -	An Act to amend the Acts relating to County Courts.	The whole of the sections numbered respectively twenty-eight and twenty-nine.
15	29 & 30 Vict. c. 14. -	An Act for the abolition of the offices of Treasurer and of High Bailiff of County Courts as vacancies shall occur, and to provide for the payment of future Registrars of County Courts.	The whole of sections six and seven.
20			
25	30 & 31 Vict. c. 142. -	An Act to amend the Acts relating to the jurisdiction of the County Courts.	The whole of sections two and thirty-two.

County Courts. [H.L.]

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A

B I L L

INTRODUCED

An Act to amend the Acts relating to  
the County Courts.

(*Brought from the Lords 4 May 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
6 May 1875.*

---

[Bill 156.]

*Under 2 oz.*

# County Courts Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.
2. Summonses to witnesses.
3. How service of summonses by a bailiff may be proved.
4. Judge may do certain things within or without his circuit.
5. As to appointment of assessors.
6. Remuneration of officers under this and other Acts passed or to be passed.
7. Scale of costs to be framed by the judges.
8. Appointment of high bailiff as registrar to vacate high bailiffship.
9. As to appeals to the Queen in Council in Admiralty causes.
10. In what cases assessors shall be summoned.
11. Enactments in Schedule (C.) repealed.
12. This Act and other County Courts Acts to be construed together.
13. Commencement of Act.

### SCHEDULES.

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## A

## B I L L

[AS AMENDED IN COMMITTEE]

## INTITLED

An Act to amend the Acts relating to the County Courts.

A.D. 1875.

**W**HEREAS it is desirable to amend the Acts relating to the county courts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In any action in a county court for a debt or liquidated money demand exceeding five pounds, or in any action for the price, value, or hire of goods or chattels, which, or some part of which, were sold and delivered or lent on hire to the defendant to be used or dealt with in the way of his trade, profession, or calling, the plaintiff may, at his option, cause to be issued a summons in the ordinary form, or (upon filing an affidavit to the effect set forth in the form in Schedule (A.) to this Act) a summons in the form or to the effect given in Schedule (B.) to this Act, and if such last-mentioned summons be issued it shall be personally served on the defendant, and if the defendant shall not, within sixteen days after service of the summons, inclusive of the day of service, give notice in writing, signed by himself or his attorney, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, after sixteen days and within two months from the day of service, upon proof of its service, or of an order for leave to proceed as if personal service had been effected, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar.

In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.

The order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments, if any, as the plaintiff, or his attorney, shall in writing have consented to take at the time of the entry of the plaint or of the judgment.

[Bill 225.]

A

A.D. 1875.

Where the defendant shall have given notice of defence, the registrar shall, immediately upon the receipt of such notice, send a letter to the plaintiff or, his attorney by post, stating therein that the defendant has given notice of his intention to defend, and shall send by post, to both plaintiff and defendant, notice of the day 5 upon which he shall have fixed that the trial shall take place, at least six clear days before the day so fixed.

Where the defendant shall neglect to give such notice of defence, the judge or registrar shall, upon an affidavit disclosing a defence upon the merits, and satisfactorily explaining his neglect, let in 10 the defendant to defend, upon such terms as he may think just.

Where personal service cannot be effected, and the judge or registrar is satisfied by affidavit that reasonable efforts have been made to effect such service, and either that the summons has come to the knowledge of the defendant, or that he wilfully evades 15 service of the same, it shall be lawful for the judge or registrar to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge or registrar may seem fit.

Summonses  
to witnesses.

2. Either of the parties to an action or any other proceeding may 20 obtain of the registrar of the court summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness; and such summonses, and any summonses which may be required to be served personally, may, under such regulations as 25 may be prescribed by rules of court, be served by a bailiff of the court or otherwise.

How service  
of sum-  
monses by a  
bailiff may  
be proved.

3. Where any summons or other process of the court is served by a bailiff of any county court, the service may be proved by endorsement on a copy of the summons or process under the hand 30 of such bailiff, showing the fact and mode of the service of such summons or process; and any such bailiff wilfully and corruptly endorsing any false statement on the copy of a summons or other process shall be guilty of a misdemeanor, and on conviction thereof shall be removed from his office or employment, and shall 35 incur the same penalties as are or may be incurred by persons convicted of wilful and corrupt perjury.

Judge may  
do certain  
things within  
or without  
his circuit.

4. A judge of county courts shall, whether within the district of any of his courts or not, have jurisdiction to make any order, or exercise, on an ex parte application, any authority or jurisdiction in 40 any action or proceeding pending in any of the courts of which he is judge, which, if the same related to an action or proceeding

pending in one of Her Majesty's superior courts, might be given, made, or exercised by a judge of such last-mentioned courts in chambers, and, with the consent of both parties to an action or proceeding, to hear and decide any matter at any place either within  
5 or without any such district.

A.D. 1875.

5. In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed by rules of court, one or more persons of skill and experience in the matter to  
10 which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so sitting shall be at such rate as may be prescribed by rules of court, and shall be costs in the cause or proceeding, unless otherwise  
15 moned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party in manner to be prescribed by rules of court.

As to appointment of assessors.

6. The Treasury shall direct whether any and what remuneration shall be allowed to any person performing any duties under this  
20 Act, or under any Act passed heretofore or to be passed, where by such Act no remuneration is or shall be given for the performance of duties by officers of the courts; and such remuneration shall be paid out of the fees which the Treasury, with the consent of the Lord Chancellor, is empowered by section seventy-nine of the County  
25 Courts Act, 1856, to order to be taken on proceedings which were then authorised or might thereafter be authorised to be taken in the County Courts.

Remuneration of officers under this and other Acts passed or to be passed.

This section shall not apply to the City of London Court.

7. The judges of county courts appointed or to be appointed by  
30 the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts and forms of proceeding therein under the thirty-second section of "The County Courts Act, 1856," shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings  
35 which are now, or shall hereafter be, authorised to be taken in such courts, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges, or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same,  
40 and the scale or amended scale, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court.

Scale of costs to be framed by the judges.



Appointment  
of high  
bailiff as  
registrar to  
vacate high  
bailiffship.

As to appeals  
to the Queen  
in Council  
in Admiralty  
causes.

In what  
cases assess-  
sors shall be  
summoned.

Enactments  
in Schedule  
(C.) repealed.

This Act and  
other County  
Courts Acts  
to be con-  
strued  
together.

Commence-  
ment of Act.

8. The appointment of a high bailiff of a county court as registrar of a county court shall vacate the office of high bailiff held by such appointee.

9. There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from the County Court when such decree or order affirms the judgment of the County Court except by express permission of the judge of the High Court of Admiralty. When upon an appeal the High Court of Admiralty alters the judgment of the County Court, no leave to appeal to Her Majesty in Council shall be necessary. 10

10. Where an Admiralty cause has been heard in the County Court with the assistance of nautical assessors, elder brethren of the Trinity House shall be summoned to assist on the hearing of an appeal by the High Court of Admiralty if either party shall require the same, and the judge of the High Court shall be of opinion that the assistance of the elder brethren is necessary or desirable. 15

11. The several enactments specified in Schedule (C.) to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule; but this repeal shall not affect the course of any proceeding taken before such repeal. 20

12. This Act and "The County Courts Act, 1846," and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as "The County Courts Act, 1875."

13. This Act shall come into operation on the second day of 25 November next after the passing hereof.



A.D. 1875.

## SCHEDULE (A.)

*Affidavit.*

I, *A.B.*, of, &c. make oath and say, that *C.D.* is indebted to me in the sum of \_\_\_\_\_ for \_\_\_\_\_

5 [add, where the action is brought for a demand not exceeding five pounds, and  
I further say that the \_\_\_\_\_ were sold and  
delivered [or lent on hire] to the said C.D. to be used or dealt with in the way  
of his trade [or profession or calling] of a \_\_\_\_\_.]

*A.B.*

10 Sworn at, &c.

NOTE.—[*When affidavit is made by a clerk alter the form accordingly, and add the following:*] That I am a person in the employ of C.D., and that I am duly authorized by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.]

### SCHEDULE (B.)

*Summons to obtain Judgment by Default on Personal Service.*

No. [*of* *plaint*].

20 In the [*title of court issuing summons*].

[Seal.]

Between *A.B.* [*address and description*], Plaintiff,  
and

*C.D.* [address and description], Defendant

TAKE NOTICE, That, unless within sixteen days after the personal service  
 25 of this summons on you, inclusive of the day of such service, you return to  
 the registrar of this court at [*place of office*] the notice given below, dated  
 and signed by yourself or your attorney, you will  
 not afterwards be allowed to make any defence  
 to the claim which the Plaintiff makes on you,  
 30 as per margin, the particulars of which are hereunto  
 annexed; but the Plaintiff may, without giving  
 any further proof in support of such claim than the  
 affidavit filed in court herein, proceed to judgment  
 and execution. If you return such notice to the  
 35 registrar within the time specified, the registrar will  
 send you by post notice of the day upon which the action will be tried.

	£	s.	d.
Claim - - -	...	...	...
Fee for plaint -	...	...	...
Attorney's costs (where payable)	...	...	...
Total amount of debt and costs }	...	...	...

Dated this                      day of                      18   .

Registrar of the court.

To the Defendant.

*See below.*

A.D. 1875.

[*Notice of intention to defend or to object to the jurisdiction of the Court.*]

No. [*of plaint*].In the [*title of court*].

A.B. v. C.D.

5

I intend to defend this cause [*or to object to the jurisdiction of the court*].

Dated this

day of

18

(<sup>a</sup>) Defendant.[*To be endorsed on the Summons.*]

10

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [*or by instalments, to be specified as in Plaintiff's written consent*].

15

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the Plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

20

If you intend to dispute the plaintiff's claim on any of the following grounds,—

25

1. That the plaintiff owes you a debt which you claim should be set-off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the plaintiff's claim under a Bankrupt or Insolvent Act;

30

you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

35

40

If you give such notice of intention to defend within the time specified, you may, *if the debt exceeds five pounds*, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

(<sup>a</sup>) Here must be signed the name of defendant or of his attorney, and in the last case the words "attorney for" must be added.

45

## SCHEDULE (C.)

A.D. 1875.

	Reference to Act.	Title of Act.	Extent of Repeal.
5	9 & 10 Vict. c. 95. -	An Act for the more easy recovery of small debts and demands in England.	So much of section sixty-two as requires the service of a summons or other process to be proved by affidavit, and the whole of sections eighty-five and one hundred and three.
10	19 & 20 Vict. c. 108. -	An Act to amend the Acts relating to County Courts.	The whole of the sections numbered respectively twenty-eight and twenty-nine, and schedule B.
15	29 & 30 Vict. c. 4. -	An Act for the abolition of the offices of Treasurer and of High Bailiff of County Courts as vacancies shall occur, and to provide for the payment of future Registrars of County Courts.	The whole of sections six and seven.
20			
25	30 & 31 Vict. c. 142. -	An Act to amend the Acts relating to the jurisdiction of the County Courts.	The whole of section two and schedules A. and B.
30	31 & 32 Vict. c. 71. -	An Act for conferring Admiralty jurisdiction on the County Courts.	The whole of section twenty-nine.

A

# BILL

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Acts relating to  
the County Courts.

(*Brought from the Lords 4 May 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
28 June 1875.*

---

[Bill 225.]

*Under 2 oz.*



A  
B I L L

TO

Enable Grand Juries in Ireland to grant Superannuation Allowances to County Surveyors in certain cases. A.D. 1875.

**W**HEREAS it is expedient that provision should be made to enable superannuation allowances to be granted by grand juries to county surveyors :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Grand juries in Ireland may, at their discretion, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, grant to any county surveyor in their service who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, and shall charge such allowance to the same fund as that to which such salary would have been charged if he had continued in his office.

Grand juries in Ireland, with consent of Lord Lieutenant, may grant superannuation allowances to county surveyors.

2. No county surveyor shall be entitled to such allowance on the ground of age who shall not have completed the full age of sixty years, and who shall not have served as a county surveyor twenty years at the least.

No officer under age of 60 entitled to allowance unless he shall have served 20 years.

3. No grant shall be valid unless an application for the same shall have been made and approved of at the county at large sessions that shall be held immediately preceding the meeting of the grand jury who shall make the grant.

Conditions of grant.

4. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities.

Superannuation allowances not to be assignable

5. This Act shall be called "The County Surveyors Superannuation Act (Ireland), 1875."

Short title.

[Bill 65.]





# County Surveyors Superannuation (Ireland).

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A

## B I L L

To enable Grand Juries in Ireland to grant Superannuation Allowances to County Surveyors in certain cases.

(Prepared and brought in by  
Sir Colman O'Loghlen, Mr. William Johnstone,  
and Mr. Macartney.)

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*Ordered, by The House of Commons, to be Printed,*  
*15 February 1875.*

---

[Bill 65.]

*Under 1 oz.*



A  
  
B I L L

TO

Enlarge the Jurisdiction in Admiralty Cases of the Recorders A.D. 1875.  
Courts of Cork and Belfast, and to provide for Payment of  
the Officers of said Courts. —

**W**HEREAS it is expedient to extend the jurisdiction in Admiralty causes conferred by the Court of Admiralty (Ireland) Act, 1867, upon the Courts of the Recorders of the boroughs of Cork and Belfast :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Court of Admiralty (Ireland) Short title.  
10 Amendment Act, 1875.

2. The courts of the Recorders of the boroughs of Cork and Belfast shall have all the like civil and maritime jurisdiction (with all the powers and authorities relative thereto) as for the time being belongs to the High Court of Admiralty in Ireland (otherwise than  
15 by way of appeal) without limitation as to the amount or value of the money or thing in dispute where the action accrues, or the ship or goods to which the cause relates, is or are within the jurisdiction of the courts of the said recorders at the commencement of the proceedings.

20 3. If any person take proceedings in the High Court of Admiralty which he might have taken in the courts of the recorders for the boroughs of Cork or Belfast he shall not be entitled to receive costs in the High Court of Admiralty, unless the damages recovered (exclusive of costs) shall exceed five  
25 hundred pounds, or the judge certify that the cause was one fit to be tried in the High Court of Admiralty, or unless the parties  
[Bill 200.]

Extension of  
Jurisdiction  
in Admiralty  
causes to  
Cork and  
Belfast Re-  
corders  
Courts.

Where pro-  
ceedings taken  
in High Court  
of Admiralty  
which might  
have been taken  
in Recorders  
Courts of Cork  
and Belfast,  
party not to be  
entitled to costs  
unless sum  
recovered

2 *Court of Admiralty (Ireland) Act, 1867, Amendment.* [38 VICT.]

A.D. 1875.

exceeds 500*l.*,  
or judge  
certifies.

Power to  
accept bail  
where ship  
or goods  
arrested.

to such proceedings agree by a memorandum signed by them or by their attorneys or agents that such proceedings should be taken in said Court of Admiralty.

4. Where a ship or goods within the jurisdiction of the courts of the recorders of Cork and Belfast is or are arrested under a warrant issuing out of the High Court of Admiralty (except in the case of final execution) bail may be given in the court of the recorder within whose jurisdiction the warrant shall have been executed, and in such cases all proceedings in reference to such bail and all objections to the proposed sureties shall be heard and determined by the said recorder who for this purpose shall have all the powers now exercised by the judge of the High Court of Admiralty.

Proceedings  
may be heard  
and deter-  
mined by  
civil bill pro-  
cess where  
amount in  
dispute does  
not exceed  
fifty pounds.

Extension of  
jurisdiction  
over ships  
and goods.

See 32 & 33  
Vict. c. 51.  
s. 2.

5. All Admiralty causes within the jurisdiction of the courts of the recorders of the boroughs of Cork and Belfast may be heard and determined by civil bill process, where the amount or value of the money or thing in dispute shall not exceed fifty pounds, and the existing rules of the civil bill courts of the said recorders shall be applicable thereto.

6. The Court of Admiralty and the courts of the recorders of the boroughs of Cork and Belfast shall have jurisdiction and all powers and authorities relating thereto to try and determine causes as to any claim arising out of any agreement made in relation to the use of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship.

Salaries of  
officers of  
said courts.

7. The registrar, clerks, water bailiff (or local marshal), and servants of the said courts of the recorders of Cork and Belfast shall be entitled to such salaries or respective annual sums, by way of remuneration for the additional duty which they may have respectively to perform by virtue of this Act and the Court of Admiralty (Ireland) Act, as the said recorders, with the consent of the Commissioners of Her Majesty's Treasury, shall appoint, *such sums to be paid out of the funds which Parliament may provide for that purpose.*

Power to  
appoint  
mercantile  
assessors.

See  
32 & 33 Vict.  
c. 51. s. 5.

8. In any Admiralty or maritime cause in the said recorders courts of Cork or Belfast, the recorder may, if he thinks fit, or on the request of either party, be assisted by one or two persons of mercantile or nautical skill and experience to act as assessor or assessors, and all the provisions of the Court of Admiralty, Ireland,

Act with reference to nautical assessors shall apply to the appointment, approval, summoning, and remuneration of such mercantile assessors. A.D. 1875.

9. Save where altered by or inconsistent with this Act, the  
5 powers to make general orders, and for regulating practice and  
procedure, and also the provisions of the Court of Admiralty,  
Ireland, Act, 1867, applicable to local courts, shall apply to this Act. Power  
to make  
general  
orders.

**Court of Admiralty (Ireland) Act, 1867,  
Amendment.**

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A

**B I L L**

To enlarge the Jurisdiction in Admiralty Cases of the Recorders Courts of Cork and Belfast, and to provide for Payment of the Officers of said Courts.

*(Prepared and brought in by  
Mr. Murphy, Mr. James Corry, Mr. Downing,  
Mr. Johnston, Mr. Ronayne, and Mr. MacCarthy.)*

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*Ordered, by The House of Commons, to be Printed,  
7 June 1875.*

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[Bill 200.]

*Under 1 oz.*



# Criminal Law Amendment Bill.

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## ARRANGEMENT OF CLAUSES.

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Clause.

Preamble.

1. Court to be called Court of Criminal Appeal.
2. Rule nisi for new trial or verdict of not guilty may be granted by the Courts at Westminster or Court of Criminal Appeal, and heard and determined by Court of Criminal Appeal. No appeal unless barrister certify reasonable ground. The question of insanity may be tried separately.
3. Three judges to meet on the 10th of September, or such other day as the Court of Criminal Appeal shall appoint.
4. Court or a judge to have power to suspend the execution of any sentence and to admit to bail.
5. The time for making the motions for rules nisi. Further time may be granted for moving.
6. Any person may apply on behalf of any convict to have the question of his insanity tried.
7. The order of the court shall be obeyed by all the sheriffs and others.
8. The mode of serving the rule nisi, if granted. The mode of proceeding if the rule be refused.
9. The proceedings when a new trial is ordered. When a verdict of not guilty is entered or the judgment is arrested.
10. Proceedings when the court refuses the rule nisi, or affirms verdict of guilty. When the party is in custody. When the party is at large.
11. Proceedings as to sentence when an appeal has been made. When the sentence is postponed.
12. Sentence on defendants in cases where sentence has not been pronounced by the court before whom defendant was tried.
13. The Defendants need not be present at motions in courts.
14. Application for a new trial at instance of Crown where defendant has been acquitted.

[Bill 195.]

a

Clause.

15. Service of rule nisi for such new trial on defendant or his attorney, and power to bind over defendant when rule absolute.
  16. Copies of the record.
  17. Copy of indictment to be delivered before or after trial on application of defendant. Punishment for forgery of indictment, &c.
  18. Records may be removed from general or quarter sessions to be tried at the assizes either on the criminal or the civil side thereof or by a special jury.
  19. Interpretation clause.
  20. The construction of this Act.
  21. Extent of Act.
  22. Commencement of this Act.
-

## A

## B I L L

## TO

Amend an Act of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further Amendment of the Administration of the Criminal Law.

A.D. 1875.

WHEREAS by an Act passed in the Session of Parliament holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act for the further Amendment of the Administration of the Criminal Law," chapter seventy-eight, the justices of either Bench and barons of the Exchequer, or such a quorum of them as is therein specified, are empowered to hear and determine any question of law which shall have arisen on the trial of any treason, felony, or misdemeanor, in the manner therein mentioned: And whereas it is expedient to extend the jurisdiction of the said justices and barons, and to provide for an appeal by or on the behalf of defendants in criminal cases :

Preamble.

Recites  
11 & 12 Vict.  
c. 78.Treason,  
felony, or  
misdemeanor.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. The court held by the said justices and barons, or any quorum of them, whether under the said Act or this Act, shall be and be called the Court of Criminal Appeal.

Court to be  
called Court  
of Criminal  
Appeal.

2. Whenever any defendant shall have been found guilty of any treason, felony, or misdemeanour, it shall be lawful for Her Majesty's Court of Queen's Bench, Her Majesty's Court of Common Pleas, Her Majesty's Court of Exchequer, or the said Court of Criminal Appeal, upon motion to be made by or on behalf of such defendant, upon affidavit or otherwise, to grant a rule to show cause why the verdict of guilty so found, and all proceedings, if any, thereupon had, should not be set aside and a new trial had, or a verdict of not guilty be entered in lieu thereof, and judgment

Rule nisi  
for new trial  
or verdict  
of not  
guilty may  
be granted  
by the courts  
at West-  
minster or  
Court of  
Criminal  
Appeal, and  
heard and

[Bill 195.]

A

A.D. 1875.

determined  
by Court of  
Criminal  
Appeal.

No appeal  
unless bar-  
rister certify  
reasonable  
ground.

The ques-  
tion of in-  
sanity may  
be tried  
separately.

Three judges  
to meet on  
the tenth of  
September,  
or such other  
day as the  
Court of  
Criminal  
Appeal shall  
appoint.

thereupon, or why the judgment should not be arrested or reversed; and in case any such rule shall be granted, the matter of such rule shall be heard and determined before the said Court of Criminal Appeal; and the said Court shall have full power and authority to hear and determine the matter of the said rule, and to order that the verdict of guilty, and all proceedings, if any, thereupon had, shall be set aside, and that a new trial shall be had, and that a verdict of not guilty shall be entered in lieu thereof, and of the judgment thereupon, if any judgment shall have been given, or that the judgment shall be arrested or reversed, or to make such other order as justice shall require: Provided, that no such motion shall be made unless a barrister-at-law shall have certified under his hand that there is in his judgment reasonable ground to appeal: Provided also, that if it shall appear to the said Court of Criminal Appeal that any new or further inquiry is expedient as to any particular question of fact or otherwise, but that it is not expedient that the whole case should be tried again, it shall be lawful for the said Court to order such question to be tried in the like manner and before the same Court as would have tried the case if a new trial had been granted; and every such question shall be inserted in a rule, and the jury shall be duly sworn to try the said question; and in every such case it shall be lawful for the said Court of Criminal Appeal, if it shall think fit, to postpone its determination as to the said rule until such question shall have been so tried, and then to determine the said rule: Provided also, that in every case in which any application shall be made on the ground of the alleged insanity of the defendant, the said Court of Criminal Appeal, if it shall think there be reasonable ground for an inquiry into such insanity, may order the question to be tried separately, whether any other question may or may not be ordered to be tried.

**3.** It shall be lawful for three or more of the said justices and barons, and they are hereby required to meet on the *tenth day of September* in every year, or, in case that day be a Sunday, on the *eleventh* day of that month, or on such other day in the said month, or in the month of *August*, and on any other day or days at any other periods of the year, as the said Court of Criminal Appeal shall, previously to the commencement of the summer circuits, or at any other time or times respectively, think fit to appoint; and such justices and barons shall then and there constitute and be the said Court of Criminal Appeal; and the said justices and barons shall have full power and authority to hear and determine any motion for any such rule to show cause as aforesaid which shall be made to them by or on behalf of any such defendant, and to



A.D. 1875.

refuse or grant any such rule; and in case any such rule shall be granted by the said justices and barons, the matter of such rule shall be heard and determined before the said Court of Criminal Appeal in like manner in all respects as where a rule nisi shall have been obtained in any of the said Courts at Westminster as aforesaid. And whenever the day of such sitting shall be appointed as aforesaid, a notice thereof shall be published in the Gazette; and the said justices and barons shall have full power and authority to adjourn from day to day, or to any future day, in order to dispose of any applications which may be made to them for such rules nisi as aforesaid.

4. The Court or a judge at chambers shall have power in any case, for such time and on such terms as he or they shall think fit, to suspend the execution of any sentence or any part thereof, and to admit any defendant to bail in cases in which he might have been admitted to bail before trial.

Court or judge to have power to suspend the execution of any sentence and to admit to bail.

5. It shall be lawful for the said Court of Criminal Appeal to make, and from time to time to vary and amend, any rules or orders specifying the time or times within which applications under this Act shall be made: Provided, that it shall be lawful for any of the said Courts at Westminster, or for the said Court of Criminal Appeal, to grant to any defendant such further time as to such Court shall seem meet for the purpose of making any such motion. And in case of any alleged insanity, or of the discovery of any new facts or witnesses, or of any other special or unforeseen circumstance, it shall be lawful for any of the said Courts at Westminster or the said Court of Criminal Appeal to hear and determine any such application for a rule nisi, although the same shall not be made within any of the times by any such rules specified, and whether or not any such application shall have previously been made, in case such court shall be satisfied that reasonable grounds exist satisfactorily to account for such motion not having previously been made, or that the justice of the case requires that it should be further considered.

The times for making the motions for rules nisi.

Further time may be granted for moving.

6. It shall be lawful for any person to apply to any of the said Courts at Westminster, or to the said Court of Criminal Appeal, on behalf of any defendant who has been found guilty, at any time after such conviction, upon the ground of the insanity of such prisoner, (either at the time when he was tried, or at any time afterwards,) and such court or justices and barons may thereupon grant or refuse a rule to show cause why the question of the insanity of such defendant should not be inquired into; and in

Any person may apply on behalf of any convict to have the question of his insanity tried.

A.D. 1875. case such rule shall be granted, the same shall be heard and determined by the said Court of Criminal Appeal, which shall have full power and authority to hear and determine the same, and to order the said question to be tried or not, as to it shall seem fit; and in case the said court shall order the same to be tried, it shall be lawful for the said court to order the same to be tried, either before the court before which a new trial, if granted, would be tried, or at the Central Criminal Court; and in every such case the order of the said Court of Criminal Appeal shall be a full and sufficient authority for the court before which such questions shall be ordered to be tried to swear a jury composed of the jurymen present at any sitting of the said court to try the said question; and in case such jury shall find that the defendant is or has been insane as alleged, such defendant shall be dealt with in the same manner in all respects as if he had been found or declared to be insane by a verdict of a jury on his arraignment or trial, or by any competent authority after his trial, as the case may be.

The order of the Court shall be obeyed by all the sheriffs and others.

7. Whenever any such motion shall be refused or granted, or any such rule shall be made absolute, a rule shall be drawn up containing the judgment or order of such court; and every such rule and the judgment or order contained in such rules shall in all things be performed, obeyed, and executed by all sheriffs, gaolers, and other officers to whom obedience to such rules, judgments, or orders may appertain.

The mode of serving the rule nisi, if granted.

8. Whenever a rule nisi shall be granted on the application of a defendant, or of any person on his behalf, the defendant or such other person shall cause an office copy of such rule nisi to be served upon the prosecutor or his attorney, and upon Her Majesty's Attorney-General; and whenever any such rule shall be made absolute, the Defendant shall cause an office copy of such rule to be served upon the sheriff or under-sheriff of the county in which such defendant shall have been tried, and on the officer in whose custody the indictment on which such defendant shall have been tried shall be; and in case such defendant shall be in custody, then also upon the gaoler or other officer in whose custody such defendant shall be; and whenever any such motion shall be refused, or any verdict of guilty or judgment shall be affirmed, the prosecutor, or the Attorney-General in case the prosecutor be dead or cannot be found, shall cause an office copy of the rule to be served upon the sheriff or under-sheriff and other officers herein-before mentioned; and every such officer in whose custody such indictment as aforesaid shall be, shall, upon being served with any such office copy of any such rule as aforesaid, indorse on the back of such indictment a

The mode of proceeding if the rule be refused.

A.D. 1875.

true and correct minute or note thereof, and shall file such copy of such rule with the said indictment ; and every such rule when so indorsed on the said indictment shall have the force or effect of a judgment : Provided, that in case upon any application for a rule nisi it shall be made to appear upon affidavit to the said Court of Criminal Appeal that the prosecutor is dead or cannot be found, and that the Attorney-General has had reasonable notice in writing thereof, it shall be lawful for such Court to hear and determine such motion in like manner as if the prosecutor had been duly served with an office copy of such rule nisi as aforesaid.

9. In all cases where the said Court of Criminal Appeal shall order a new trial or a trial of any question of fact to be had, it shall be lawful for the said court, by the same rule whereby such trial shall be granted, to order when such trial shall take place ; and in all cases wherein a new trial shall be ordered, the same shall be had in like manner as if no former trial had taken place ; and the court before whom any such new trial shall be had shall have the like power, jurisdiction, and authority to proceed to judgment, and to pass sentence, and to order costs, and to do all other acts, matters, or things whatsoever as the court before whom such former trial was had ; and all such acts, matters, and things shall have the like force and effect as if the same had been done by the court before whom such former trial was had ; and in all cases where the said Court of Criminal Appeal shall order a verdict of not guilty to be entered, or the judgment to be arrested or reversed, and the defendant shall then be in custody, the gaoler or other officer in whose custody the defendant shall then be, shall, upon service of an office copy of the rule containing such order as last aforesaid, forthwith discharge such defendant out of custody as to the offence whereof the defendant shall have been found guilty as aforesaid ; and in every case where the said court shall make such order as last aforesaid, and the defendant shall then be at large upon recognizances to appear and receive judgment or otherwise in relation to such offence, such order shall be and be deemed and taken to be a full and complete discharge and satisfaction of such recognizances.

The proceedings when a new trial is ordered.

When a verdict of not guilty is entered or the judgment is arrested.

10. In all cases where any such motion for a rule nisi shall be refused, or any verdict of guilty or any judgment against any defendant shall be affirmed, and such defendant shall then be in custody, awaiting the determination of such motion, and sentence shall have been pronounced upon such defendant, the sheriff and the gaoler or other officer in whose custody such defendant shall then be, and all other officers to whom the execution of such sentence shall pertain shall, upon service of an office copy of the

Proceedings when the court refuses the rule nisi, or affirms verdict of guilty.

When the party is in custody.



A.D. 1875.

When the  
party is at  
large.

rule of such court refusing such motion or affirming such verdict or judgment, proceed to carry such sentence into execution, according to due course of law; and in all cases where any such motion shall be refused or any verdict of guilty or judgment shall be affirmed, and the defendant shall then be at large, it shall be 5 lawful for the court refusing such motion, or the Court of Criminal Appeal affirming such verdict or judgment, to issue a warrant for apprehension and for conveying him to the proper gaol or house of correction, in order that such defendant may undergo such punishment as shall have been or shall be awarded against him; 10 and such warrant shall be of force and effect throughout England, and may be executed by any officer of the said court, or any constable or peace officer in England.

Proceedings  
as to sen-  
tence when  
an appeal  
has been  
made.

When sen-  
tence is  
pronounced.

11. If any defendant having been found guilty shall by himself or his counsel or attorney before sentence is pronounced declare his intention to appeal by motion or to bring a writ of error, or if the court before whom such defendant shall have been tried shall reserve any such question of law as aforesaid, or shall otherwise think proper, it shall be lawful for such court in its discretion either to pronounce a sentence to be carried into execution at such time 20 after the determination of such appeal, writ of error, or question reserved as aforesaid, as to such court shall seem meet, or to postpone the pronouncing of sentence until after such determination as aforesaid, or to pronounce a sentence to be executed as if no such appeal or writ of error were to be made or brought, or question 25 were to be reserved; and in case such court shall postpone the sentence as aforesaid, or pronounce a sentence to be carried into execution after such determination as aforesaid, it shall be lawful for such court in its discretion to order such defendant to be detained in custody until the determination of such appeal, writ of 30 error; or question of law reserved as aforesaid, or to be discharged out of custody upon entering into such recognizance, either with or without sureties, and subject to such condition as to such court in its discretion may seem meet, and every such recognizance shall be and continue in full force and effect until the condition of such 35 recognizance shall have been fully performed; and in every case where any court shall have postponed passing sentence upon any defendant, and the verdict against such defendant shall be affirmed, it shall be lawful for the Court of Criminal Appeal, if it shall think fit, to pronounce sentence upon such defendant; and every such 40 sentence shall have the same force and effect to all intents and purposes whatsoever as if the same sentence had been pronounced by the court before whom such defendant was tried; and every

When the  
sentence is  
postponed.



A.D. 1875.

such sentence shall be inserted in the rule of court to be made as aforesaid, and form part of the judgment or order of such Court, and shall be carried into effect, and in all things be performed, obeyed, and executed by all sheriffs, gaolers, and other officers to whom the execution thereof shall appertain.

12. Whenever any court before whom any defendant shall have been found guilty shall have postponed pronouncing sentence upon any such defendant, and the said Court of Criminal Appeal shall have affirmed such verdict, but shall not have pronounced sentence upon any such defendant under the provisions of this Act, it shall be lawful for any judge at the Central Criminal Court, or any judge of assize, oyer and terminer, gaol delivery, or nisi prius, or any justices of the peace at any general or quarter sessions of the peace, or any recorder of any borough, or any judge of any other court which has or hereafter shall have jurisdiction to try any felony or misdemeanor, at any session of such court before which such defendant shall have been so found guilty as aforesaid, holden after such verdict shall have been affirmed as aforesaid, to pronounce sentence upon such defendant in like manner as the court before which such defendant was tried might have pronounced such sentence; and every such sentence so pronounced as last aforesaid shall be good and valid in law to all intents and purposes whatsoever.

Sentence on defendants in cases where sentence has not been pronounced by the court before whom defendant was tried.

13. It shall in no case be necessary for any defendant to be present before any of the said courts during the moving, hearing, or determining any case under the provisions of this Act, and every judgment pronounced by the said Court of Criminal Appeal under the provisions of this Act in the absence of any defendant shall be as valid and effectual as if the defendant had been present when the same was pronounced; and where several defendants are jointly indicted, it shall be lawful for any of such defendants to apply for a rule nisi as aforesaid, and such applications shall be dealt with in the same manner in all respects as if such defendants had been separately indicted, and it shall not be necessary to make any other defendant a party to any such application.

The defendants need not be present at motions in courts.

14. Where any defendant shall have been acquitted, (otherwise than under the direction of the judge, or through the case not having been pressed by the prosecuting counsel,) on the whole of any presentment, inquisition, indictment or information, not containing a charge punishable by death, an application may be made as aforesaid in the term next after such acquittal by Her Majesty's Attorney-General, or with his written authority by any counsel, for a new

Application for a new trial may be made on behalf of the Crown where a defendant has been acquitted *in toto* on any indictment, &c., of any

A.D. 1875.

charge not  
capital, unless  
the case was  
not pressed or  
an acquittal was  
directed.

trial of such defendant upon the charge of which such defendant was so acquitted, and the Court shall thereupon have the same power to order a new trial as if the application had been made by a defendant, but shall not make any rule absolute in the first instance, and only one such application shall be made, and only one such trial shall be had at the instance of the Attorney General.

Where a rule  
nisi for a new  
trial is granted  
at the in-  
stance of the  
Crown, the  
prosecutor  
shall serve an  
office copy of  
such rule nisi  
on the defen-  
dant, or his  
attorney, and  
when a new  
trial is granted  
the Court may  
bind over by  
recognizance,  
and may order  
security for  
defendant's  
costs.

Copies of  
the record.

15. Whenever a rule nisi for a new trial shall be granted at the instance of the Crown, the prosecutor shall cause an office copy of such rule nisi to be served on the defendant, or his attorney, and upon the granting of such new trial the Court may bind over, in such recognizances as they shall think fit, the prosecutor and witnesses on either side, and may take such security for the appearance of the defendant as they may think fit, and in default of such security may commit him to the custody of such person as they may think fit until such trial, and may order such payment of the defendant's costs of the previous trial, and such security for the defendant's costs of the new trial, or such sum to be brought into Court to provide for the same, as to such Court may seem fit.

16. Whenever any motion shall be made which shall render it necessary to produce a copy of the whole or any part of any indictment or record before any of the said courts or justices and barons, the defendant shall before or at the time of making such motion as aforesaid cause such copy, certified by the proper officer, as hereinafter provided, to be produced before the said court or justices and barons: Provided, that if in case any such copy shall not be so produced and the court or justices and barons shall think it necessary that such copy should be produced, it shall be lawful for the said court or justices and barons to order such copy to be obtained by the defendant and produced, or to be otherwise produced as the court shall order, and for that purpose to adjourn the case till such time as shall seem fit.

Copy of in-  
dictment to  
be delivered  
before or  
after trial  
on appli-  
cation of  
defendant.

17. In all cases of prosecution for any crime or misdemeanor, a copy of the whole or any part of the indictment or record shall be delivered, either before or after sentence has been pronounced, to the defendant, or his clerk in court, or attorney, upon application made for the same to the clerk of assize, or other officer who shall have the custody of such indictment or record, at a reasonable time and place, on payment of a reasonable sum for the same not exceeding for each folio of ninety words; and every such copy shall be signed and certified to be a true copy of the whole or part of such indictment or record, as the case may be, by the clerk of assize, or such other officer so having the

custody of such indictment or record, or by the deputy of such clerk or other officer; and every such copy purporting to be signed and certified as aforesaid shall be deemed and taken to all intents and purposes whatsoever to be as good and effectual as the

A.D. 1875.

5 whole or part of the indictment or record whereof it is a copy, as the case may be, without proof of the signature or official character of the person appearing to have signed the same; and every such clerk of assize, officer, and deputy as aforesaid, who shall certify any writing as a true and authentic copy of the whole or any  
 10 part of any indictment or record, knowing the same to be false in any material part; and every person who shall counterfeit the signature of any such clerk, officer, or deputy as aforesaid, for the purpose of counterfeiting or certifying any copy of the whole or any part of any indictment or record, or shall alter any such  
 15 copy of the whole or of any part of any indictment or record with a false or counterfeit signature thereto, knowing the same to be false or counterfeit, or shall utter any writing as a true and authentic copy of the whole or of any part of any indictment or record so certified as aforesaid, knowing the same to be false in  
 20 any material part, shall be guilty of felony, and being duly convicted thereof, shall be liable at the discretion of the court to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Punishment  
for forgery  
of indict-  
ment, &c.

25 18. And whereas it is sometimes expedient and conducive to the ends of justice that an indictment found at the general or quarter sessions of the peace should be tried at the assizes to be holden for the same county wherein such court of sessions is holden, or that an indictment found at the assizes or at the Central Criminal Court  
 30 should be tried on the civil side or by a special jury, it shall be lawful for any of the said courts at Westminster, or any judge of the said courts to order that any indictment found at any general or quarter sessions of the peace shall be tried at the assizes to be holden in the same county wherein the said court of sessions is holden,  
 35 either on the civil or crown side, and that any indictment found at the general or quarter sessions of the peace, or at the assizes, or at the Central Criminal Court, shall be tried by a special jury; and in every case where such indictment shall be ordered to be tried by a special jury such jury shall be struck in the same manner as special  
 40 juries are now struck where any indictment is removed by certiorari into Her Majesty's Court of Queen's Bench, and afterwards tried by a special jury; and where any indictment found at any quarter sessions shall be ordered to be tried at the assizes

Records  
may be re-  
moved from  
general or  
quarter  
sessions to  
be tried at  
the assizes  
either on  
the criminal  
or the civil  
side thereof  
or by a spe-  
cial jury.



A.D. 1875.

the clerk of the peace or his deputy shall, upon being served with an office copy of such rule or order, transmit such indictment to the clerk of assize for the county where such indictment was found, or where such indictment shall be ordered to be tried; and every trial and all proceedings had under and by virtue of any such order shall be as good, valid, and effectual to all intents and purposes as if the same trial and proceedings had taken place in the usual and ordinary course; and every court by whom any trial shall take place by virtue of any such order shall have the same power, jurisdiction, and authority to pass sentence, to award costs, and to do all other matters and things to all intents and purposes as if the court before which the indictment shall be so tried were the court before which the indictment would have been tried in the ordinary course.

Interpretation clause.

19. Wherever in this Act words have been used importing the singular number of the masculine gender only, yet the Act shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there be something repugnant to such construction; and the word "defendant" shall be construed to include any person or persons or the inhabitants of any county, riding, borough, county of a city, county of a town, parish, township, hundred, or any other district, or any body corporate indicted for *any felony or misdemeanor*; and the word "indictment" shall be construed to include any indictment, information, presentment, or inquisition; and the word "record" shall be construed to include all rolls, records, writs, and documents whatsoever in the nature of records; and the word "county" shall be construed to include any county, riding, county of a city, county of a town, city, cinque port, borough, or town corporate.

The construction of this Act.

20. This Act and every clause and provision therein contained shall be construed liberally and beneficially, and so as to effect the objects and intentions of this Act, in as full and ample a manner in all respects as may be.

Extent of Act.

21. This Act shall extend only to England.

Commencement of this Act.

22. This Act shall commence and take effect from and after the

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# Criminal Law Amendment.

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A

## B I L L

To amend an Act of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further amendment of the administration of the Criminal Law.

(*Prepared and brought in by  
Mr. Cole, Mr. Morgan Lloyd, and Mr. Waddy.*)

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*Ordered, by The House of Commons, to be Printed,  
3 June 1875*

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[Bill 195.]

*Under 2 oz.*

# Customs and Inland Revenue Bill.

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## ARRANGEMENT OF CLAUSES.

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Clause.

A.D. 1875.

1. Short title.

### PART I.

#### CUSTOMS.

2. Grant of customs duties on tea.

### PART II.

#### TAXES.

3. Grant of duties of income tax.
4. Provisions of Income Tax Acts to apply to duties hereby granted.
5. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.
6. Assessment of income tax under Schedules (A.) and (B.), and of the inhabited house duties, for the year 1875-76.

### PART III.

#### EXCISE.

7. Grant of duties on licences to brewers.
8. Alteration of duties on medicine licences.
9. Wine dealer's licence to include sweets.
10. Warehousing upon drawback of tinctures or medicinal spirits.
11. As to licences for carriages hired.
12. Spirit grocers and beer dealers licences in Ireland to expire on the 10th of October.

[Bill 158.]

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A.D. 1875.

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PART IV.

STAMPS.

13. The "Stamp Duties Management Act, 1870," applicable to all fee stamps and penalties and offences relating to stamp duties.



A

# B I L L

TO

Grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. A.D. 1875.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1875." Short title.

## PART I. CUSTOMS.

2. The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-five until the first day of August one thousand eight hundred and seventy-six on importation into Great Britain or Ireland; (that is to say,)

Tea, the lb. Grant of customs duties on tea.

## PART II. TAXES.

3. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-five, in respect of all property, profits, and gains mentioned

[Bill 158.]

A 2

A.D. 1875. or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of twopence; 5

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of one penny;

10

In Scotland and Ireland respectively, the duty of three farthings.

Provisions of  
Income Tax  
Acts to apply  
to duties  
hereby  
granted.

4. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-five shall have full force and effect, with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-five. 15 20

Provisions of  
Income Tax  
Acts to apply  
to duties to  
be granted  
for succeeding  
year.

5. In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-six, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-six shall have full force and effect, with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day: Provided that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, or to continue the rates of income tax granted by this Act. 25 30 35

Assessment  
of income  
tax under  
Schedules  
(A.) and  
(B.), and of  
the inhabited

6. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.), in respect of property elsewhere than in the metropolis, as defined by "The Valuation (Metropolis) Act, 1869," and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing on 40

the sixth day of April one thousand eight hundred and seventy-five, the following provisions shall have effect : A.D. 1875.

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law house duties  
for the year  
1875-76.

5 granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof.

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which  
10 commenced on the sixth day of April one thousand eight hundred and seventy-four, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, shall be taken as the annual value of such property or of such inhabited house  
15 for the assessment and charge thereon of the duties of income tax hereby granted, or of inhabited house duty, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating  
20 to income tax and the duties on inhabited houses respectively.

(3.) The commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors,  
25 together with the warrants for collecting the same.

(4.) The commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties in like manner as if such  
30 persons had been presented to them by assessors in conformity with the said Acts.

### PART III.

#### EXCISE.

7. In lieu of the duties payable on licences to brewers of beer for  
35 sale (other than brewers of spruce or black beer) there shall be charged, collected, and paid on such licences to be taken out, on and after the first day of October one thousand eight hundred and seventy-five, the following duties ; (that is to say,) Grant of  
duties on  
licences to  
brewers.



A.D. 1875.

£ s. d.

For and upon every licence to be taken out yearly by any brewer of beer for sale :

If the quantity of beer brewed within the year ending the thirtieth day of September next preceding does not exceed fifty barrels, the duty of - - - - - 0 12 6 5

If the same exceeds fifty barrels, then for every fifty barrels and for any fractional part or number of an entire quantity of fifty barrels, the duty of - - - - - 0 12 6 10

And for and upon every licence to be taken out by any person who first becomes a brewer, the duty of - - - - - 0 12 6

And there shall also be charged upon and paid by the last- 15 mentioned person in respect of his licence such further sum as with the said duty of twelve shillings and sixpence shall amount to the duty which would be chargeable on a licence for a quantity of beer equal to the quantity brewed by him during the existence of his licence, and such further sum shall be paid within ten days next 20 after the expiration of the licence.

Alteration of duties on medicine licences.

8. In lieu of the duties of excise now payable by law upon or in respect of the licences to be taken out yearly in any part of Great Britain by the owners, proprietors, makers, and compounders of, and persons uttering, vending, or exposing to sale or keeping ready for 25 sale any medicine liable to stamp duty, there shall be paid for each such licence—

The duty of - - - - - £0 5 0

Wine dealers licence to include sweets.

9. A licence to a dealer in foreign wine shall be granted so as to extend to the sale of any kind of sweets, or made wines, or mead, 30 or metheglin in any quantity, without the payment of any further duty than such as is chargeable on a licence to a dealer in foreign wine.

Warehousing upon drawback of tinctures or medicinal spirits.

10. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of 35 Inland Revenue respectively, tinctures or medicinal spirits may be warehoused upon drawback by a licensed rectifier or compounder of spirits, in any customs or excise warehouse under the like provisions under which British liqueurs may be so warehoused by virtue of section thirteen of "The Customs and Excise Warehousing Act, 40 1869."



11. From and after the *thirty-first day of December* next the provision numbered seven of section eighteen of the Act of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fourteen, shall be repealed, and in lieu thereof it is enacted as follows :

A.D. 1875.

As to  
licences for  
carriages  
hired.

Every person who shall let any carriage for hire for any period less than one year shall for the purposes of the said Act be deemed to be the person keeping such carriage, and every person who shall hire any carriage for a year or any longer period shall for the purpose of the said Act be deemed to be the person keeping such carriage.

12. Whereas licences taken out by spirit grocers in Ireland and licences and additional licences taken out by beer dealers in Ireland now by law expire on the fifth day of July in each year, and it is expedient to alter the time of the expiration of such licences ; be it enacted that all such licences taken out after the fifth day of July next after the passing of this Act and before the *eleventh day of October one thousand eight hundred and seventy-six* shall continue and be in force until the said last-mentioned day ; and all such licences which shall be taken out on or after the said last-mentioned day shall expire on the tenth day of October next after the granting thereof ; and every such licence which shall be in force at the time of the passing of this Act or which shall be taken out on or before the said fifth day of July, shall continue in force until the *eleventh day of October* next after the passing of this Act, and in respect of every such licence which shall be in force between the fifth day of July and the eleventh day of October next after the passing of this Act, there shall be charged and paid in respect of the said last-mentioned period, and in addition to the duty paid or payable thereon, the duty for one quarter of a year, and such additional duty shall be recoverable in like manner as any other duty of excise.

Spirit  
grocers and  
beer dealers  
licences in  
Ireland to  
expire on  
the 10th of  
October.

#### PART IV.

##### STAMPS.

13. The provisions of "The Stamp Duties Management Act, 1870," are hereby declared to be applicable to all fees which now are or from time to time may be directed to be collected or received by means of stamps, and also to all penalties and offences relating to any stamp duties which now are or from time to time may be under the management of the Commissioners of Inland Revenue.

The "Stamp  
Duties Man-  
agement  
Act, 1870,"  
applicable to  
all fee stamps  
and penalties  
and offences  
relating to  
stamp duties.

# Customs and Inland Revenue.

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A

## B I L L

To Grant certain Duties of Customs and  
Inland Revenue, to alter other Duties;  
and to amend the Laws relating to  
Customs and Inland Revenue.

*(Prepared and brought in by  
Mr. Raikes, Mr. Chancellor of the Exchequer,  
and Mr. William Henry Smith.)*

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*Ordered, by The House of Commons, to be Printed,  
10 May 1875.*

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[Bill 158.]

*Under 1 oz.*

# Dean Forest and Hundred of St. Briavels Bill.

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## ARRANGEMENT OF CLAUSES.

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### PART I.—PRELIMINARY.

Clause.

1. Division of Act into parts.
2. Short title.
3. Interpretation.
4. Repeal of enactments.

### PART II.—DEAN FOREST COMMISSION, 1875.

5. This part of Act to be executed by commissioner.
6. As to appointment of surveyor.
7. Functions of commissioner.
8. Provision as to inclosed lands.
9. Power of appeal.
10. Other results of award.
11. Inquiry into state of Cinderford.

### PART III.—GENERAL.

12. Powers of sale and granting leases extended.
13. Future registration of and sales to free miners.
14. As to purchase of gales.
15. Power to unite two or more gales.
16. Purchasers not to be entitled to any interest in mines.
17. Election of verderers.
18. Saving of rights of the Crown and the free miners.

### PART IV.—SUPPLEMENT OF ORDER OF PRIORITY ON APPLICATION FOR GRANTS OF GALES.

19. In case of disputed claims to gales gaveler may file interpleader statement.
20. Appeal.
21. Effect of orders.
22. Effect of operation of Supreme Court of Judicature Act.
23. Rules and Orders. Laying of Rules and General Orders before Parliament.

### SCHEDULES.

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[Bill 78.]

A





A  
B I L L

TO

Ascertain and commute Commonable Rights in Her Majesty's Forest of Dean, and for other purposes relating thereto, and to Mines and Quarries in the Hundred of Saint Briavels in the county of Gloucester.

A.D. 1875.

WHEREAS the following Acts have (among other Acts) been passed relating in whole or in part to Her Majesty's Forest of Dean, in the hundred of Saint Briavels, in the county of Gloucester; that is to say, an Act passed in the session of Parliament held in the twentieth year of the reign of King Charles the Second, chapter three, in this Act called "the Act of 1668;" an Act passed in the session of Parliament held in the forty-eighth year of the reign of King George the Third, chapter seventy-two, in this Act called "the Act of 1808;" an Act passed in the session of Parliament held in the tenth year of the reign of King George the Fourth, chapter fifty, in this Act called "the Act of 1829;" an Act passed in the session of Parliament held in the first and second years of the reign of His Majesty King William the Fourth, chapter twelve, in this Act called "the Act of 1831," and which Act was continued by subsequent enactments; an Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, chapter forty-two, in this Act called "the Grants of Encroachments Act, 1838;" another Act passed in the last-mentioned session of Parliament, chapter forty-three, in this Act called "the Mines Act, 1838;" an Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter forty-two, in this Act called "the Act of 1851;" an Act passed in the session of Parliament held in the eighteenth year of the reign of Her present Majesty, chapter sixteen, in this Act called "the Act of 1855;" an Act passed in the session of Parliament held in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter forty, in this Act called "the Act of 1861;" an Act (local and personal) in the session of Parliament held in the thirty-third year of the

[Bill 78.]

A 2

A.D. 1875. reign of Her present Majesty, chapter eight, in this Act called  
 "the Act of 1870;" and an Act passed in the session of Par-  
 liament held in the thirty-fourth and thirty-fifth years of the reign  
 of Her present Majesty, chapter eighty-five, in this Act called  
 "the Act of 1871:" 5

And whereas, under the provisions of the Act of 1668 and the  
 Act of 1808, certain lands in the Forest of Dean have been inclosed  
 for the growth and preservation of timber:

And whereas by the second report, dated the first day of May  
 one thousand eight hundred and thirty-four, of the commissioners 10  
 appointed under the provisions of the Act of 1831, the boundaries  
 of the part of the forest in the said report mentioned were ascer-  
 tained.

And whereas under the Grants of Encroachments Act, 1838,  
 divers lands (excepting the mines and minerals therein) being 15  
 encroachments on the said forest, have become the property of Her  
 Majesty's subjects, and under the provisions of the Act of 1829  
 other lands within the said forest have been sold:

And whereas under the Act of 1870 the rights of common over  
 that part of the Forest of Dean which is called Abbots Wood have 20  
 been ascertained and commuted, and rights of way and other rights  
 have been ascertained:

And whereas the commissioners appointed under the Act of 1871  
 duly made their award, dated the eleventh day of June one  
 thousand eight hundred and seventy-two: 25

And whereas it is expedient that similar provisions to those con-  
 tained in the Act of 1870, so far as respects the ascertainment and  
 commutation of rights of common, rights of way, and other rights  
 over the part of the Forest of Dean called Abbots Wood, should be  
 made with respect to the residue of the said forest: 30

And whereas the verderers of the Forest of Dean have hitherto  
 been elected by all the freeholders of the county of Gloucester, of  
 whom no authentic register is kept, and much difficulty has been  
 experienced in conducting elections to the office of verderer; and  
 it is expedient that the verderers of the said forest be henceforth 35  
 elected by the freeholders of the two divisions of the county of  
 Gloucester who may for the time being be on the register of  
 electors qualified to vote as such freeholders at the elections of  
 members of Parliament for such divisions respectively:

And whereas it is expedient that the provisions of the Act of 40  
 1829, the Act of 1851, the Act of 1855, and the Act of 1861, so far  
 as regards leases and sales of land in the said forest should be

extended, and should be assimilated to the provisions of the said Acts as to leases and sales of land belonging to Her Majesty, and not being part of any royal forest, park, or chase : A.D. 1875.

And whereas it is also expedient that lands in the said forest should be set out for public recreation and allotment gardens for the labouring classes, and that the provisions of the Mines Act of 1838, as to the registration of free miners, and as to the settlement of the priority of applications for grants of gales, should be amended, and that such further provisions should be made with respect to the said forest, and the minerals therein, as are in this Act contained :

And whereas it is expedient that provision should be made for inquiring into the sanitary condition of the town of Cinderford :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say :

#### PART I.—PRELIMINARY.

1. This Act shall be deemed to be divided into four parts, as follows :— Division of Act into parts.

20 Part I.—Preliminary.

Part II.—Dean Forest Commission 1875.

Part III.—General.

Part IV.—Settlement of order of priority of applicants for grants of gales.

25 2. This Act may be cited for all purposes as "The Dean Forest Act, 1875." Short title.

3. In this Act the expressions following have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say,) Interpretation.

30 The expressions "Forest of Dean" and "the said forest," respectively, mean the Forest of Dean, in the hundred of Saint Briavels, in the county of Gloucester, within the boundaries ascertained by the second report, dated the first day of May one thousand eight hundred and thirty-four, of the commissioners under the Act of 1831, and the maps which the same commissioners, in such report, stated that it was found necessary to have prepared, and which maps have been deposited at the Office of Land Revenue Records and Inrolments as directed by the Grants of Encroachments Act, 1838 :

40 [78.] A 3



A.D. 1875. The expression "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two of them :

The expression "the Commissioners of Woods" means the Commissioner or Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being having the management and direction of the lands belonging to Her Majesty in the Forest of Dean.

Repeal of enactments.

4. Such of the provisions of the recited Acts and of all other Acts as may be inconsistent with the provisions of this Act are to that extent repealed, so far as the same relate to the Forest of Dean.

#### PART II.—DEAN FOREST COMMISSION, 1875.

This part of Act to be executed by commissioner.

5. The provisions of this part of this Act shall be carried into execution by three commissioners (in this Act called "the commissioners"), of whom two shall be appointed by the Lord High Chancellor of Great Britain by writing or writings under his hand, and one commissioner shall be appointed by two of the Inclosure Commissioners for England and Wales by a writing under their hands, within *three months* after the passing of this Act, and in case of the death, resignation, or incapacity of any commissioner a new commissioner shall be appointed in like manner by the authority by whom the commissioner who has died, or has resigned, or become incapable to act was appointed, as often as the same shall be necessary, and the remuneration and expenses of the commissioners shall be fixed or allowed by the Inclosure Commissioners, and shall be paid out of the compensation fund by this Act provided. The three commissioners shall sit together, unless prevented by sickness or other inevitable cause, but the acts and decisions of two of the commissioners shall be deemed to be the acts and decisions of the commissioners.

30

As to appointment of surveyor.

6. The commissioners may appoint a surveyor or valuer and a clerk, and may, in case of the death or resignation or incapacity of any such surveyor or valuer or clerk, appoint another surveyor or valuer or clerk, as the case may be, and so from time to time; and the remuneration and expenses of the surveyor or valuer and the clerk shall be paid or allowed by the commissioners (subject to the approval of the Inclosure Commissioners for England and Wales), and shall be paid out of the said compensation fund.

35

Functions of commissioner.

7. The commissioners shall with all due despatch proceed as follows; and the following provisions shall have effect with respect or

40



in relation to the proceedings of the commissioners, and consequent thereon; that is to say, A.D. 1875.

- (1.) The commissioners shall define the boundaries of the lands of which the soil and freehold belongs to Her Majesty within the Forest of Dean, and they shall ascertain and determine what encroachments (if any) have been made thereon, and what public roads and other rights of way (if any) exist over the said lands, or any part thereof, and what rights of common exist over the said lands, or any and what part or parts thereof, and to whom and in respect of what lands such rights of common belong and may be exercised, and they shall cause a map or plan in one or more part or parts to be made, showing the said boundaries and the said encroachments (if any), and public roads and rights of way (if any), and in the preparation of such map or plan they may adopt or make use of such existing maps or plans as they may in their discretion think proper to adopt or make use of, either with or without causing any new survey to be made either in whole or in part:
- (2.) Subject to the provisions of this Act and with the consent of the Treasury, the commissioners shall set out and make, or contribute moneys towards the setting out and making such public and occupation roads in the Forest of Dean as they may think fit, in the stead or in the maintenance of any rights of way, and the cost of setting out and making such roads, or the amount of the moneys so contributed as aforesaid, shall be paid out of the said compensation fund; and the commissioners may, by their award hereinafter mentioned, declare any of the said roads to be public highways, and they shall become and be maintained as such accordingly on the making of the award:
- (3.) They shall determine the pecuniary value (if any) of such rights of common as they may ascertain to exist over any lands belonging to Her Majesty in the Forest of Dean, and shall take into account the rights or powers mentioned in or conferred by the recited Acts, and they shall also take into account any benefit which may be conferred on lands belonging to the persons entitled to exercise any rights of common by reason of the formation of any roads in the Forest of Dean under this Act, and they shall determine whether such rights of common over land belonging to Her Majesty shall be compensated by the allotment of any land in the said forest, or by pecuniary payment, and they shall, as the case may be, make such allotments accord-

A.D. 1875.

ingly, which shall vest in the persons to whom any lands are allotted respectively to the uses, upon the trusts, and subject to the same interests and charges, as the lands in respect of which the rights of common commuted are held upon or subject to, or they shall determine the amounts to 5 be paid, and the persons to whom they are payable, as compensation for the rights of common commuted, and they shall pay the same amounts accordingly out of the said compensation fund; and any sums payable for rights of common commuted and previously exerciseable in respect 10 of lands belonging to parties having limited interests or prevented from treating or not making title shall be applied by the commissioners in the manner prescribed by the Lands Clauses Consolidation Act, 1845, with respect to the application by the promoters of the under- 15 taking of purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title:

(4.) They shall determine whether any of the encroachments which they shall have ascertained to have been made in 20 the said forest ought to be abated, and subject to any and what condition as to compensation or otherwise, and which (if any) of the encroachments may be maintained, subject to any and what payments; and any payments in respect of encroachments shall be paid to or out of the 25 said compensation fund:

(5.) Subject to the provisions of this Act, and with the consent in writing from time to time of Her Majesty under Her Royal sign manual, the commissioners shall set out and allot, at or near to the Speech House, and at or near to 30 such other places in the said forest as they may think expedient, lands as and for places for the recreation and enjoyment of the public; and they shall also set out and allot lands in the said forest as and for allotment gardens for the use of the labouring classes; and they shall (with 35 the consent in writing of the Treasury) make rules and regulations for the enjoyment and use of all allotments and recreation grounds in this sub-section mentioned, and they may impose penalties for the breach of any such rules and regulations; and after the making of the award 40 the said rules and regulations may be altered, annulled, or amended, and new rules and regulations in relation to the matters aforesaid may be made, and penalties be imposed from time to time, by any two of the Inclosure

A.D. 1875.

Commissioners for England and Wales, by any writing under their hands (with the consent in writing of the Treasury), any such writing to be from time to time made in duplicate, one part to be deposited at the Office of Land Revenue Records and Inrolments, and the other part to be deposited with the clerk of the peace for the county of Gloucester; and all such rules and regulations and penalties shall be valid, enforceable, and recoverable in a summary manner by summons and proceedings before any two justices of the peace for the county of Gloucester;

- (6.) For the purpose of providing a fund (in this Act referred to as "the compensation fund,") to defray the compensation payable for rights of common commuted under this Act, the remuneration and expenses of the commissioners, and of the surveyor, or valuer, or clerk, the cost of setting out and making, or the amount contributed towards the setting out and making of any roads in the said forest, any compensation payable in respect of encroachments, and any other costs, charges, and expenses of the commissioners of or incident to the execution of this Act, the commissioners, with the previous consent in writing, from time to time of the Treasury, shall sell any part or parts of the said forest belonging to Her Majesty, subject to the provisions of this Act, and to such other conditions, and either by public auction or private contract, at such prices as the commissioners may think proper, and any purchaser who may be a free miner shall be allowed such an abatement from his purchase money as may be agreed upon (with the consent in writing of the Treasury); in consideration of the release or surrender by him to Her Majesty of all his rights and interests as a free miner, but in default of any such agreement being come to the full amount of purchase money at which the land is agreed to be sold shall be payable by the purchaser, and every conveyance by the commissioners shall vest in the purchaser the fee simple and inheritance of the land conveyed, subject to the provisions of this Act, and to such conditions as may be specified in the conveyance, but free from all rights of common and other rights, and the receipt of the commissioners shall in every case be a sufficient discharge to the purchaser, and no purchaser shall inquire as to the necessity for the sale, or whether such consent has been given as in this sub-section mentioned, or as to the title to the land sold, and any balance of the com-



A.D. 1875.

pensation fund shall be applied as the commissioners may direct:

- (7.) The commissioners shall hold a meeting or meetings to hear any parties having or claiming rights in or over the lands of Her Majesty in the Forest of Dean, and they shall hear 5 any information or evidence which may be offered in relation thereto, and may adjourn the said meetings respectively, and shall cause notice of such meeting to be given on the door of the Speech House in the Forest of Dean, and also a like notice to be given by advertisement 10 in some paper published in Gloucestershire and circulating in the Forest of Dean, of the time and place of every such meeting fourteen days at least before every such meeting (meetings by adjournment only excepted,) and they may examine (and, if they think fit, upon oath or upon 15 declaration), all such persons as may attend before them for the purpose of giving evidence upon any matter or proceeding under the authority of this Act, and for that purpose may administer or receive oaths or declarations; if any person or persons examined on his or their oath or 20 declaration under the provisions of this Act shall wilfully give false evidence, or shall make or subscribe a false declaration, he shall be guilty of perjury in case he shall have been sworn, or of a misdemeanor if he shall have made a declaration; and the commissioners shall have 25 power by summons to require the attendance of any person to be examined as a witness before them, and may by summons require any person to produce before them any books, papers, writings, and plans in the possession or under the control of such person, and any person who 30 without reasonable excuse shall not obey any such summons as aforesaid shall be liable on summary conviction before any two justices of the peace to a penalty not exceeding twenty pounds in any case:
- (8.) The commissioners may from time to time give their decision 35 in writing upon any of the matters hereby referred to them, and deliver the same signed by any two of them to the parties interested therein; and such writing so signed shall be sufficient evidence of such their decision:
- (9.) They shall, within *three years* from the passing of this Act, or 40 within such further time as Her Majesty may by Order in Council allow, make their award in writing (in this Act called "the award") as regards all the matters and things hereby by them directed to be done; and such award, with the said map or plan annexed thereto, shall



A.D. 1875.

be executed in duplicate, and one part thereof shall be deposited at the Office of Land Revenue Records and Inrolments, and the other part thereof shall be deposited with the clerk of the peace for the county of Gloucester, there to remain, and the same may there be examined by all persons at all reasonable times, on payment of a fee of one shilling for each examination; and until the commissioners have made their award, any writing under the hands of any two of the commissioners shall be sufficient evidence of any proceeding or decision under the provisions of this Act.

8. Whereas under the recited Acts provision is made for the inclosure from time to time of lands in the said forest, not exceeding in the whole eleven thousand acres at any one time, for the growth and preservation of timber; and it is enacted that on the surface of lands so inclosed there shall not (save as thereby expressly provided) be any working of any gale; and whereas by reason of the provisions of this Act it may become unnecessary to inclose any further lands under the provisions of the recited Acts: Be it therefore enacted, that the commissioners shall, with the consent of the Treasury, by their award ascertain and distinguish the lands for the time being inclosed under the provisions of the recited Acts, and shall set out and allot, in one or more parcel or parcels, such further lands in the said forest on which there is not at the time of the passing of this Act any surface working of any gale as together with the lands so ascertained and distinguished will amount to eleven thousand acres; and from and after the making of the award the provisions of section sixty-four of the Mines Act, 1838, and the other provisions of the recited Acts in relation to grants of gales and works in inclosed lands belonging to Her Majesty, shall be deemed to apply, and the said provisions as amended by the provisions of this Act shall apply and have reference to the lands so ascertained and distinguished and set out and allotted by the commissioners as in this section mentioned.

Provision as  
to inclosed  
lands.

9. In case any person (which term includes the Commissioners of Woods on behalf of Her Majesty) shall be dissatisfied with any decision of the commissioners in reference to the existence of any of the rights of common which he is by this Act directed to ascertain and determine, or as to the lands over which such rights extend, or are exerciseable, or to which they are limited, or with respect to the persons who are entitled to exercise such rights, or with respect to any encroachments which they may have ascertained to have been made in the said forest, or the mode of dealing with the said encroachments, the commissioners shall, on the application of the person so dissatisfied, prepare a case to be submitted to Her

Power of  
appeal.

A.D. 1875. — Majesty's Court of Common Pleas, to be argued before and decided on by the said court, and the judgment and determination of such court shall be taken as the judgment of the commissioners, who shall, if necessary, and notwithstanding the expiration of the said three years, make such supplemental award or awards in writing as may 5 be required to give effect to the judgment of the said court, and such supplemental award or awards shall be respectively made in duplicate, and one part thereof shall be deposited at the Office of Land Revenue Records and Inrolments, and the other part thereof shall be deposited with the clerk of the peace for the county of 10 Gloucester: Provided always, that no such application shall be received by the commissioners, unless the same is made to them within one month from the time when the decision to which it relates was given, and the costs of any such appeal shall be paid as the said court shall direct. 15

Other results  
of award.

10. When the award with the map or plan annexed thereto has been deposited as by this Act provided, the award shall (subject to the result of any appeal to the Court of Common Pleas which may be then pending, and to any supplemental award or awards which may be made to give effect to the judgment of 20 the said Court,) be binding and conclusive to all intents and purposes whatsoever, and the fact of the deposit of either part of the said award shall be conclusive evidence of the due appointment of the commissioners of all necessary notices having been given of the award having been duly made in accordance 25 with this Act of such consents having been given as in this Act mentioned, and of all the provisions of this Act preliminary and in relation to such award having been duly complied with; and the lands of Her Majesty within the Forest of Dean shall, subject as aforesaid, from the date of the award be freed and dis- 30 charged from all rights of common and from all rights of way, other than the roads or rights of way specified in the award as being intended to continue after the making of the award, and all such rights of common and such rights of way, other than as aforesaid, shall cease and be extinguished as from the date of 35 the award; and any supplemental award or awards shall, when deposited as by this Act directed, be binding and conclusive. "

Inquiry into  
state of  
Cinderford.

11. The commissioners shall inquire into the sanitary condition of the town of Cinderford in the said forest, and other districts in such forest having large populations, and they shall take such 40 evidence and proceedings as they may think proper for the purpose of ascertaining what measures it is expedient to adopt for the improvement of the said town and districts, and the commissioners

shall make a report in writing on the matters in this section mentioned to the President of the Local Government Board within six months after the passing of this Act. A.D. 1875.

PART III.—GENERAL.

5 12. All the powers to make sales, grant leases, and make ex-  
changes, and to make contracts or agreements to sell, grant leases,  
and make exchanges, which under the recited Acts or any other Acts  
the Commissioners of Her Majesty's Woods, Forests, and Land  
Revenues, or either of them, can by law exercise with respect to the  
10 possessions and land revenues of the Crown under their or his  
management, and not being any part of a royal forest, park, or chase,  
shall, after the deposit of the award mentioned in Part II. of this  
Act, extend and apply to all lands belonging to Her Majesty in or  
part of the Forest of Dean, but except as regards any sale, lease,  
15 license, or exchange under the authority of the recited Acts or this  
Act, all the provisions of section seven of the Act of 1668 shall  
continue to apply to all lands belonging to Her Majesty within  
the Forest of Dean as if this Act had not been passed.

Powers of  
sale and  
granting  
leases ex-  
tended.

20 13. No person born after the passing of this Act shall be entitled  
to be registered as a free miner under the provisions of the Mines  
Act of 1838, or otherwise, but when any land in the said forest shall  
be sold by the Commissioners of Woods to a person born before  
the passing of this Act, and who is or may be registered as a free  
miner, such an abatement may be made from the purchase money  
25 payable by him as may be agreed upon from time to time in con-  
sideration of the surrender and release by such person to the Crown  
of all his rights and interest as a free miner.

Future regis-  
tration of  
and sales to  
free miners.

35 14. Where any gale or gales in the said forest, or any part, share,  
or interest in any gale or gales, or any share or interest in any  
company formed for working the whole or any part of any gale or  
gales, shall be purchased or agreed to be purchased by the Com-  
missioners of Woods on behalf of the Crown, every such gale or  
gales, or part share or interest shall be conveyed or assigned to a  
trustee for the Crown, to the intent that the same may not merge  
30 in the freehold estate or interest of the Crown, but may continue a  
subsisting interest in such trustee, and every such trustee shall have  
the same powers of making sale or granting leases of the rights,  
estates, shares, or interests vested in him as the Commissioners of  
Woods by law have with respect to the possessions and land  
40 revenues of the Crown under their management, and not being part  
of any royal forest, park, or chase.

As to pur-  
chase of  
gales.



A.D. 1875.

Power to  
unite two or  
more gales.

15. On the application of the registered owner or owners of any two or more gales in the said forest or hundred, the gaveller for the time being may from time to time, by any writing under his hand, unite such gales, so as that the same shall thenceforth form one entire gale, subject to the payment of such galeage or dead rent, royalties, or tonnage duties; and other payments, conditions, and reservations as the gaveller may think proper, and as may be agreed to by the owner or owners of the gale so united as aforesaid; and every such writing under the hand of the gaveller as aforesaid shall be entered on the gavellers' books, and shall be inrolled at the Office of Land Revenue Records and Inrolments, and when such writing has been so inrolled as last aforesaid, the gales therein mentioned shall form one entire gale, and be held subject to the payment of the galeage or dead rent, royalties, or tonnage duties, and other payments, and to the conditions and reservations in such writing mentioned.

Purchasers  
not to be  
entitled to  
any interest  
in mines.

16. No person who shall purchase any land from the commissioners under Part II. of this Act, or who shall purchase or take a lease of or acquire by way of exchange any land from the Commissioners of Woods under Part III. of this Act and in the exercise of the powers thereby conferred, shall have any estate or interest in the coal, ironstone, or other mines, minerals, or substrata in or under such land, neither shall any such person be entitled under section sixty-seven of the Mines Act of 1838, or otherwise, to one moiety or any other share of any galeage rent, royalty, or tonnage duty, or other moneys to be received by Her Majesty, or her successors, from any such mines, minerals, stone, or substrata.

Election of  
verderers.

17. At any election of a verderer of the Forest of Dean held after the passing of this Act, no freeholder of either of the two divisions of the county of Gloucester shall be entitled to vote unless he shall be registered as such freeholder in the register then in force of persons entitled to vote at the elections of members of Parliament for one of such divisions; and all enactments relating to the election of verderers of the Forest of Dean shall be read and construed subject to the limitation by this section prescribed.

Saving of  
rights of the  
Crown and  
the free  
miners.

18. Nothing contained in this Act, or to be done under the authority thereof, shall prejudice or affect the right of Her Majesty, her heirs and successors, to the mines and minerals, stone, and substrata in and under the Forest of Dean; nor shall anything in this Act, or to be done under the authority thereof, prejudice or affect the rights reserved to or conferred upon Her Majesty, her heirs and successors, by the Mines Act of 1838, the Act of 1861 or the Act



of 1871, nor shall anything in this Act, or to be done under the authority thereof, prejudice or affect the rights of any free miners under such Acts or otherwise. A.D. 1875.

PART IV.—SETTLEMENT OF ORDER OF PRIORITY OF APPLICANTS  
FOR GRANTS OF GALES.

19. Whenever there shall in the opinion of the gaveller of the said forest be a dispute between two or more persons claiming to have a grant or grants of a gale, or of gales of coal or iron ore within the said forest, or within the hundred of Saint Briavels, as to which of such persons is or are entitled to have such grant or grants (and which persons are in this Act called "the claimants"), the gaveller may, if he thinks fit, but not otherwise, file in the High Court of Chancery a statement (herein-after called "the interpleader statement"), which shall be in the form given in the second schedule to this Act annexed, or as near thereto as circumstances will admit, of the names and addresses of the claimants, with such particulars as to the dates and effect of the respective applications, and as to the gale of which the grant or grants is in question, and of any other matters as the gaveller may think fit to insert, and by such statement the gaveller may pray that the claimants do interplead with each other, and settle and adjust between themselves their rights or claims to or in the gale or gales in question, and thereupon all proceedings with respect to such rights and claims shall be had in the manner and subject to the regulations contained in the first schedule to this Act annexed.

In cases of disputed claims to gales gaveller may file interpleader statement.

21. Any order of the court or of a judge at chambers shall be subject to appeal in the same manner as orders of the court or judge in ordinary causes in court, but in all cases the gaveller shall be served with notice of the appeal, and shall be entitled to attend and be heard by counsel at the hearing thereof. Appeal.

22. Every such order made upon any such interpleader statement as aforesaid, shall, unless altered or varied upon appeal, or if altered or varied upon appeal, as so altered or varied be final and conclusive against the claimants, and all persons claiming by, from, or under them respectively. Effect of orders.

23. Upon the Supreme Court of Judicature Act, 1873, coming into operation, the jurisdiction conferred by this part of this Act on the Court of Chancery shall be transferred to the High Court of [78.] B 4 Effect of operation of Supreme Court of Judicature Act.

A.D. 1875. Justice, and the provisions of this part of this Act shall be construed as if they had been enacted before the passing of the Supreme Court of Judicature Act, 1873, and any Act amending the same.

Rules and  
orders.

24. Rules and orders with respect to proceedings under this part of this Act in the High Court of Chancery, and the forms for other matters connected with such proceedings, may be made by the same judges or authority, and in the same manner as rules and orders with respect to suits and proceedings in the said court.

After the coming into operation of the Supreme Court of Judicature Act, 1873, rules of court may be made under that Act, and any Act amending the same for the purpose of regulating proceedings under this part of this Act, and the forms and other matters connected with such proceedings.

Any rules, orders, or rules of court made as aforesaid may modify or repeal any of the provisions of this part of this Act or of the schedules to this Act annexed with a view to more effectually carrying into effect the objects of this part of this Act.

Subject to any rules, orders, or rules of court made as aforesaid, and to the express provisions of this Act and of the said schedules, proceedings under this part of this Act shall be conducted, and the forms used in other matters connected with such proceedings shall be the same, so far as may be, as in the case of ordinary proceedings in the court, and any rules, orders, and rules of court applicable to such proceedings, forms, fees, and matters connected therewith shall, so far as applicable, apply accordingly.

Laying of  
rules and  
general  
orders before  
Parliament.

Every rule and order purporting to be made in pursuance of this part of this Act, shall, immediately after the making thereof, be laid before both Houses of Parliament, if Parliament be then sitting; or, if Parliament be not then sitting, within seven days after the then next meeting of Parliament; and if either House of Parliament, by a resolution passed within one month after such rule or general order has been so laid before the said House, resolve that the whole or any part of such rule or order ought not to continue in force, the same shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule or order in its place, or to anything done in pursuance of such rule or order before the date of such resolution, but subject, as aforesaid, every such rule or order purporting to be made in pursuance of this Act shall, after the expiration of the said month, be deemed to have been duly made, and to have been within the powers of this Act.

## FIRST SCHEDULE.

A.D. 1875.

1. The interpleader statement shall be signed by the gaveller, but need not be signed by counsel, and no affidavit shall be necessary in support thereof.

Interpleader statement to be signed by gaveller.

2. The interpleader statement shall be served on each of the claimants by leaving an office copy thereof at each address named in the interpleader statement as the address of the respective claimants.

Service of interpleader statement.

- Each copy for service of the interpleader statement shall bear an endorsement requiring the claimant to enter an appearance and stating the result of default of appearance.

3. Within eight days after service of the interpleader statement the claimants shall cause an appearance to be entered in the court in which the interpleader statement shall have been filed (herein-after called "the court"). Each claimant shall, by such appearance, name a place (herein-after called an address for service) within three miles of Lincoln's Inn Hall, where he may be served with any notice or proceeding, or order of the court, or of any judge thereof relating to the matters in question and service of any such notice or proceeding or order at the address for service shall be deemed good service unless the court shall in any case direct personal service, and within seven days after appearance each claimant or set of claimants shall deposit with the gaveller the sum of twenty pounds to answer the costs, charges, and expenses of the gaveller of and in relation to the interpleader proceedings by this Act authorised. In default of such deposit being made (of which default a certificate purporting to be signed by the gaveller shall be sufficient evidence) the appearance shall be vacated, and the case shall stand as if no appearance had ever been entered by the claimant or set of claimants so making default.

Appearance.

4. In default of appearance by any claimant or set of claimants, he or they shall be deemed to have abandoned all claim to the gale or gales in question, and thereupon the gaveller shall be at liberty to proceed with the grant or grants thereof to any other claimant or set of claimants, or applicant or set of applicants, as if such of the claimants as make default in appearance had never made any claim to the said gale or gales, and if by reason of default being made by any claimant or set of claimants in appearing, only one claimant or set of claimants remains all further proceedings on the interpleader statement shall thereupon be stayed without further order.

In default of appearance defendant be deemed to have abandoned their claim.



A.D. 1875.

Claimants  
to file  
answers.

5. If two or more claimants or sets of claimants shall enter an appearance, each claimant or sets of claimants shall within four weeks (times of vacation excluded) from the day limited for appearance file in the court a short statement on oath (herein-after called "a claim") of the grounds on which he or they claim to be 5 entitled to the gale or gales in question, the claim shall be in the form given in the second schedule to this Act annexed, or as near thereto as circumstances will admit, and shall be signed by counsel. An office copy of the claim shall be served by the claimant on whose behalf the same is filed on the gaveller, and on each of the other 10 claimants or sets of claimants within seven days after the filing thereof respectively.

Cause to be  
set down for  
hearing.

6. Within fourteen days after the time limited for the filing of the claims, the gaveller shall cause the interpleader statement to be set down for hearing in the list of causes in the court. 15

Interroga-  
tories may  
be filed by  
claimants.

7. After such claimant or set of claimants has filed his or their claim, he or they may file interrogatories for the examination of any other claimant or claimants. Such interrogatories shall be in the form given in the Second Schedule to this Act, or as near thereto as circumstances will admit, and shall be signed by counsel, 20 and shall be served by leaving the same at the address for service of the claimant or claimants for whose examination the same shall have been filed.

Answers to  
be filed  
within four  
weeks after  
service of  
interroga-  
tories.

8. The claimant or set of claimants interrogated shall file his or their answer thereto on oath (herein-after called the answer) within 25 four weeks (times of vacation being excluded) after service of the interrogatories. Answers shall be in the form given in the Second Schedule to this Act annexed, or as near thereto as circumstances will admit, and shall be signed by counsel. In default of an answer by any claimant or set of claimants, he or they shall be deemed to 30 have abandoned all claim to the gale or gales in question.

Summons  
for excep-  
tions to in-  
sufficient  
answer.

9. The claimant or claimants on whose behalf interrogatories shall have been filed (herein-after called the interrogating claimant) may except to any answer for insufficiency by taking out and serving a summons for that purpose within fourteen days after 35 notice of the filing of the answer. Such summons shall specify by number the interrogatories to which it is alleged that an insufficient answer has been put in, but it shall not be necessary to set forth such interrogatories at length.

Course  
where  
answering  
claimants  
submit to  
exceptions.

10. A claimant or claimants whose answer is excepted to shall 40 be at liberty, within seven days after service of the summons, to submit thereto by giving notice in writing to the claimant or claimants on whose behalf the interrogatories shall have been filed,



and by tendering three pounds three shillings for costs, and by filing a full and sufficient answer within fourteen days after the service of the summons for insufficiency. A.D. 1875.

11. If the summons is not submitted to, or if the interrogating claimant shall deem the further answer insufficient, he shall, within fourteen days from the service of the summons or notice of filing of the further answer, set down the summons for hearing before the judge in chambers. Where on the hearing of a summons for exceptions to an original answer the judge shall be of opinion that the same is insufficient, the further answer shall be filed within fourteen days from the hearing of the summons, unless the judge shall otherwise direct. If the interrogating claimant shall deem such further answer insufficient, he shall again set down the summons within fourteen days after notice of the filing of such further answer.
- 15 If on the hearing of the summons the judge shall be of opinion that the further answer (whether filed under the next preceding clause of this Schedule, or in pursuance of an order allowing exceptions to an original answer) is insufficient, the judge may order that in case a sufficient final answer is not filed within such time as he shall direct the claimant or claimants whose answer is excepted to shall be treated as having abandoned all claim to the gale or gales in question, and the summons shall thereupon be adjourned to such day as the judge shall direct to consider the sufficiency of such final answer. Where the judge shall be of opinion that such final answer is insufficient, the order to be drawn up shall (unless the judge shall otherwise direct) order that the claimant or claimants whose final answer shall have been held insufficient shall be thenceforth excluded from all claim to the gale or gales in question.

12. On any hearing of a summons for exceptions to answer the judge may make such order as to costs as may be just.

13. If no summons for exceptions is served or set down, as the case may be, within the times herein-before limited, or if the interrogating claimant shall make default in appearing to support the summons when the same comes on for hearing, either originally or at any adjournment of such hearing, the answer or further answer, as the case may be, shall be deemed sufficient.

14. Within seven days after the time when the answer or further or final answer, as the case may be, is to be deemed sufficient, or (as the case may be) within seven days after the date of the final order made on the summons, the interrogating claimant shall serve on the gaveller and on each of the other claimants or sets of claimants, except the answering claimant or claimants, an office copy of the original, and further and final answers, where the same

Course where answering claimant does not submit to exceptions, or where further answer is excepted to.

Power of judge as to costs of exceptions.

When answers to be deemed sufficient.

Office copies of answers and interrogatories or of final order excluding claimant whose final answer held insufficient

A.D. 1875.

to be served  
on gaveller  
and each  
other  
claimant  
within seven  
days after  
answer held  
or deemed  
sufficient.  
When cause  
to be marked  
as ripe for  
hearing.

Proceedings  
at the  
hearing.

Only one  
out of a set  
of claimants  
to be heard  
in person.

Evidence.

Claimant  
intending to  
read his  
claim or  
answer to  
submit him-

or any of them shall be held sufficient, or (where a final order shall have been made excluding a claimant or set of claimants from all claim to the gale or gales in question) then an office copy of that order.

15. At the expiration of twenty-one days after the answer or last 5  
of the answers (if more than one set of interrogatories is filed) is  
held or deemed to be sufficient, or after the date of the final order  
excluding a claimant or set of claimants from all claim to the gale  
or gales in question, the registrar shall mark the cause as ready for  
hearing, and the gaveller may by his counsel move the court on 10  
notice to be served at the address for service of each claimant or set  
of claimants to fix a day for the hearing.

16. At the hearing counsel for the gaveller shall state to the  
court the names of the claimants and the short nature of the dis- 15  
pute, and such further particulars for the assistance of the court as  
he may think fit; and the case of each claimant or set of claimants  
shall then be heard in the order in which the names of the claimants  
shall stand in the interpleader statement, unless the judge shall in  
any case at the hearing direct some other order. After the case of  
each claimant or set of claimants in turn is opened, the evidence, 20  
written and oral, in support of that claim, and the cross-examination  
and re-examination of his or their respective witnesses, shall be  
closed before the case of the next claimant or set of claimants is  
opened. After the evidence of the last claimant or set of claimants  
is closed, the case of each claimant or set of claimants (as the case 25  
may be) may be summed up, and counsel for the gaveller may then  
(if he shall think fit) address the court on the whole case.

17. Where a claim has been made on behalf of two or more persons  
claiming jointly (herein called a set of claimants), and they shall  
not be represented by counsel; one claimant only out of each set of 30  
claimants shall be permitted to address the court. No claimant  
who is represented by counsel shall be permitted to address the  
court.

18. Any claimant may read at the hearing his claim and answer  
or answers (if any) as an affidavit in support of his case, subject to 35  
cross-examination by any other claimant or claimants, or by the  
gaveller, and may prove any documents, either orally or by affidavit,  
but in all other respects the evidence shall be oral only.

19. Any claimant intending to read his claim or answer shall be  
bound to attend personally at the hearing, and to submit himself 40  
for cross-examination, without demanding payment of his expenses  
for such attendance, and unless he does so attend he shall not be at  
liberty to read his claim or answer.

- Any claimant may read at the hearing in support of his own case the claim or answer or answers of any other claimant or claimants, and shall be at liberty, in support of his own case, to cross-examine such other claimant or claimants thereon; but in  
5 that case he shall give to the claimant or claimants whose claim or answer he shall intend to read notice of his intention to read the same, and where cross-examination is desired notice to attend for that purpose, and shall in that case tender to the person who has notice to attend for cross-examination his reasonable expenses.
- 10 20. At the hearing the court may either decide the questions in dispute between the claimants or any of them, or (if it think fit) may direct any inquiries or report to be made by the gaveller or deputy gaveller or any issues to be tried either before itself or at the assizes for the county of Gloucester, and either with or without a jury, and  
15 in case any such enquiries or report or issue are directed to be made or tried, may reserve the further consideration of the matter until such enquiries are answered or report is made or issues tried, and the court may act on the result of any such inquiries or issues or of such report as it may think fit.
- 20 21. When the case is disposed of, either at the hearing or on further consideration, the court shall make such order as to costs as shall be just provided, that in all cases the cost of the gaveller as between solicitor and client shall be provided for, and the court may at any stage of the cause, and on the application of any party  
25 thereto, make such order as to security for costs or stay of proceedings until payment of costs as the court shall think fit.
22. No abatement of the proceedings on any interpleader statement shall be caused by any change in the person of the gaveller.

A.D. 1875.

self for cross-examination without demanding expenses.

Decision of court.

Costs.

Abatement and revivor.



A.D. 1875.

## SECOND SCHEDULE.

## No. 1.

## FORM OF INTERPLEADER STATEMENT.

In Chancery      187      G.      No.      , or [*as the case may be*].      5

In the High Court of Justice.      Chancery Division.

Between The Gaveller of Her Majesty's Forest of

Dean      -      -      -      -      Informant  
and

*A.B., C.D., E.F. and G.H.*      -      -      -      Claimants.      10

## INTERPLEADER STATEMENT.

The following applications have been made by the above-named claimants for the grant of a gale or gales in the said forest [*or in the hundred of Saint Briavels*]. The said applications have been made at the respective times and in the order herein-after stated, 15 and such applications apply in whole or in part to the same area. The claimants several addresses, as given in their respective applications, are herein-after stated.

Names of Applicants.	Addresses.	Day and Year when Application made.	Description of Gale in the Application.
<i>A.B.</i> -	No.      High Street Cinderford.	1st January 1874.	
<i>C.D.</i> -			
<i>E.F. &amp; G.H.</i>			

20

It is contended by the claimant *C.D.* that although the claimant *A.B.* stands first in point of date, yet that he *C.D.* is entitled in preference on the ground that [*here state shortly the grounds of C.D.'s contention, e.g.*] "That the said *A.B.* already holds three unexhausted gales."      25

The claimants *E.F.* and *G.H.* dispute the right of the claimant *A.B.* to a grant, on the ground that he already holds three unexhausted gales [*or any other ground*].      30

And the claimants *E.F.* and *G.H.* dispute the right of the claimant *C.D.* on the ground that he is not a free miner [*or any other ground*].



The gaveller therefore prays that the said claimants may be ordered to interplead with each other, and to settle and adjust between themselves their rights or claims to the said gale. A.D. 1875.

(Signed)

5     Gaveller of Her Majesty's Forest of Dean.

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No. 2.

FORM OF INDORSEMENT ON INTERPLEADER STATEMENT.

Victoria R.

10     To the within-named claimants *A.B.*, *C.D.*, *E.F.*, and *G.H.*, greeting.

15     We command you and every of you that within eight days after service hereof on you, exclusive of the day of such service, you do cause an appearance to be entered for you in our High Court of Chancery at Westminster [*or, as the case may be, Our High Court of Justice*], to the within interpleader statement of the gaveller of our Forest of Dean, and that you observe what our said Court shall direct.

20     Witness ourself at Westminster the     day of     in the     year of Our reign.

Appearances are to be entered at the Record and Writ Clerks Office, Chancery Lane, London, [*or wherever appearances have to be entered*].

25     Note.—If you respectively fail to enter an appearance by the time above limited, you will be deemed to have abandoned all claim to the within-mentioned gale, and the gaveller will be at liberty to proceed with the grant thereof to any other claimant or applicant, as if such of you as make default in appearance had never made any claim to the said gale.

A.D. 1875.

FORMS OF CLAIM.

No. 1.

In Chancery [*or, as the case may be*]      187      G. No.  
 In the High Court, 1st Division.  
 Between The Gaveller of Her Majesty's Forest of      5  
                  Dean      -      -      -      -      Informant.  
                  and  
                  *A.B., C.D., E.F., and G.H.*      -      -      Claimants.

The claim of the above-named *A.B.*

I *A.B.*, of      claim to be entitled to the gale or gales 10  
 of coal [*or iron, as the case may be*], mentioned in the interpleader  
 statement on the following grounds.

1. I am a free miner of the said forest and do not hold three  
 unexhausted gales.

My application was made in writing and was presented to the 15  
 deputy-gaveller at the Speech House, on the 1st day of January  
 1874, between 10 a.m. and 5 p.m., and my name stands first in the  
 list of applicants for said gale in the gaveller's books.

(Signed) *A.B.*; claimant.

Sworn, &c.

*X.Y.* [*name of counsel.*]

20

No. 2.

[*Title as before.*]

The claim of the above-named *C.D.*      25

I *C.D.*, of      claim to be entitled to the gale or gales of  
 coal [*or iron, as the case may be*], mentioned in the interpleader  
 statement on the following grounds:

1. I am a free miner of the said forest and do not hold three  
 unexhausted gales.      30

2. I dispute the right of the above-named *A.B.* to a grant of the  
 said gale or gales on the ground that he now holds three unex-  
 hausted gales [*or on any other grounds*].

3. My application was made in writing, &c. [*to the same effect as*  
*paragraph 2 in A.B.'s claim*] and my name stands next to the said 35  
*A.B.* in the list of applicants for the said gale in the gaveller's  
 books.

(Signed) *C.D.*, claimant.

Sworn by the above-named *C.D.* at

Before me, *J.S.* [*name of counsel*].

No. 3.

A.D. 1875.

[*Title as before.*]The claim of the above-named *E.F.* and *G.H.*

We *E.F.*, of \_\_\_\_\_ and *G.H.*, of \_\_\_\_\_  
 5 claim to be entitled to the gale or gales of coal [*or iron, as the case  
 may be*], mentioned in the interpleader statement on the following  
 grounds :

1. We are free miners of the said forest, and neither of us holds  
 three unexhausted gales.

10 2. We dispute the right of the above-named *A.B.* to a grant of  
 the said gale or gales on the ground that he now holds three unex-  
 hausted gales.

3. We dispute the right of the above-named *C.D.* to a grant of  
 the said gale or gales on the ground that he is not a free miner of  
 15 the said forest [*or on any other grounds*].

4. Our application was made in writing, &c., [*to the same effect  
 as paragraph 2 in A.B.'s claim*], and our names stand next to the  
 said *C.D.* in the list of applicants for the said gale in the gaveller's  
 books.

20 (Signed) *E.F.*, *G.H.*, claimants.

Sworn, &c.

Before me, *P.Q.* [*name of counsel*].

## FORM OF INTERROGATORIES.

25 [*Title as before.*]

Interrogatories exhibited by the above-named *C.D.* for the  
 examination of the above-named *A.B.*

1. Was not a gale of coal situate at \_\_\_\_\_ in the said  
 forest granted to you on the \_\_\_\_\_ day of \_\_\_\_\_. Is not  
 30 that gale unexhausted?

2. Was not a gale of iron situate at \_\_\_\_\_ in the said  
 forest granted to you on the \_\_\_\_\_ day of \_\_\_\_\_. Is not  
 that gale unexhausted?

3. Was not a gale of coal situate at \_\_\_\_\_ in the said  
 35 forest granted to you on the \_\_\_\_\_ day of \_\_\_\_\_. Is not  
 that gale unexhausted?

4. If you shall allege that the above-mentioned gales or any of  
 them are exhausted, state whether you have ever surrendered the

[78.]

D 4

A.D. 1875.      said gales or any of them, or made any offer to the gaveller or deputy gaveller to surrender the same, and, if so, when and how, and with what result ?

*J.S. [name of counsel].*

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FORM OF ANSWER.

[*Title as before.*]

The answer of the above-named *A.B.* to the interrogatories filed by the above-named *C.D.*

In answer to the said interrogatories I *A.B.* say as follows :

1. I admit that the three gales mentioned in the interrogatories 10 were granted to me as therein suggested, but I say—

2. That the gale of coal mentioned in the first interrogatory was exhausted on or before the month of May 4870, and that by deed dated the      day of      I duly surrendered the said gale to the gaveller.

(Signed) *A.B.*, claimant.

*X.Y. [name of counsel].*

Sworn, &c.

**Dean Forest and Hundred of St. Briavels.**

**B I L L**

To ascertain and commute Commonable Rights in Her Majesty's Forest of Dean, and for other purposes relating thereto, and to Mines and Quarries, in the Hundred of Saint Briavels in the county of Gloucester.

(Prepared and brought in by  
*Mr. William Henry Smith and Mr. Chancellor of the Exchequer.*

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*Ordered, by The House of Commons, to be Printed,  
1 March 1875.*

[Bill 78.]

*Under 4 028.*



A

B I L L

INTITULED

An Act for making further Provision respecting the Department of Science and Art. A.D. 1875.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. Any lands or any interest therein may be granted or devised to and taken by the Department of Science and Art, for the purposes of their charter, or for any educational or public purposes, and may be held by them accordingly subject to the control of Parliament, and may be sold or disposed of by them when the trusts on  
10 which they hold the same are consistent with such sale or disposition: Provided that the Department of Science and Art, before accepting any such grant or devise, shall obtain the consent in writing of the Commissioners of the Treasury or any two of them to their so doing.
- 15    2. This Act may be cited as The Department of Science and Art Act, 1875.
- Power for Department to take lands by grant or devise, and sell, &c.
- Short title.





Department of Science  
and Art. [H.L.]

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A

B I L L

INTITLED

An Act for making further Provision  
respecting the Department of Science  
and Art.

(*Brought from the Lords 3 August 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
3 August 1875.*

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[Bill 283.]

*Under 1 oz.*



# Dover Pier and Harbour Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

Clause.

1. Short titles and construction of Acts.
2. Incorporation of general enactments.
3. Interpretation.

### *Constitution of Board and Transfer of Admiralty Pier.*

4. Addition of six members to Harbour Board.
5. Transfer of existing pier to Harbour Board.

### *Acquisition of Lands, &c.*

6. Power to take lands.
7. Period for compulsory purchase of lands.
8. Power to take additional lands by agreement.
9. Power to agree for easements, &c.
10. Power to retain, sell, &c. lands.

### *Construction of Works.*

11. Power for Harbour Board to make new piers.
12. Power to deviate from levels, &c.
13. Approval of plans.
14. Approval of extensions or alterations.
15. Form of approval and direction.
16. Abatement of works contrary to Act.
17. Power to make subsidiary works.
18. Power to dredge, &c.
19. Power to stop up roads, &c.
20. Lights on works.
21. Permanent lights.
22. Abatement of works abandoned or decayed.
23. Recovery of expenses.
24. Works to be part of harbour.
25. Prescribed limits of harbour.
26. Repeal of section 21 of Act of 1871.

*Financial.*

Clause.

27. Limit of expenses and payment of same.
28. Saving for existing charges.
29. Application of corporate funds and other money.
30. Power to take dues.
31. Payment of dues and tolls.
32. Powers to enforce tonnage dues forthwith.
33. Recovery of dues, &c.
34. Ships of war not to pay dues.
35. Application of income of Harbour Board.
36. Estimates and accounts to be approved by Board of Trade.
37. No expense to be allowed unless sanctioned by Board of Trade.
38. The Harbour Board to account for receipt and expenditure to the Board of Trade.
39. Accounts to be audited.
40. Accounts to be laid before Parliament.

*Miscellaneous.*

41. Power for agreements between Harbour Board and Government departments, railway companies, &c.
42. Admiralty in case of war to have charge of harbour.
43. Byelaws as to lading and unlading vessels and storing of goods.
44. Amendment of section 57 of the Act of 1828.
45. Officers to have free access to works.
46. Saving rights of the Crown in the foreshore.
47. Saving rights of the Crown.
48. Expenses of Act.

SCHEDULE.

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A

## B I L L

TO

Authorise the construction of additional Piers and Works at Dover, to amend the Constitution of the Dover Harbour Board, and for other purposes relating thereto. A.D. 1875.

**W**HEREAS the Dover Harbour Board are constituted and incorporated by The Harbours and Passing Tolls, &c. Act, 1861, for the purpose of maintaining and improving Dover Harbour, and are for such purpose empowered to act in the execution of the said  
 5 Act in conjunction with the following Acts; (that is to say,)

An Act of the ninth year of the reign of King George the Fourth, chapter thirty-one (Local and Personal), intituled "An Act for  
 " more effectually maintaining and improving the harbour of  
 " Dover, in the county of Kent;"

10 The Dover Harbour Act, 1871; and

The Dover Harbour Act, 1873:

(which Act of the reign of King George the Fourth is in this Act referred to as "The Dover Harbour Act, 1828," and which four Acts are in this Act referred to collectively as "the former Harbour  
 15 Acts"):

And whereas it would be of great local and public advantage if the said harbour were improved by the construction of additional piers and works, and if for the construction of the same provisions such as are in this Act contained were made:

20 And whereas, in consideration of the advantage which will accrue to the public by reason of the improvement of the said harbour in manner aforesaid, it is expedient that, subject to the conditions and limitations by this Act prescribed, one third of the expenditure incurred in the construction of the said piers and works should  
 25 be defrayed out of the public revenue as a free grant, and that the residue of such expenditure should be defrayed by moneys to be advanced from time to time by the Public Works Loan Commissioners for such purpose:

[Bill 84.]

A 2

A.D. 1875.

And whereas, having regard to the circumstances of the port and harbour of Dover, to the provisions of this Act, and to the piers and works to be constructed under the authority of the same, it is expedient that certain members representing the interests of Her Majesty's Government be added to the Harbour Board : 5

And whereas it is expedient that the pier at Dover, known as the Government or Admiralty Pier, be transferred to and vested in the Harbour Board as constituted by this Act :

And whereas it is expedient that new provisions be made respecting the dues and tolls to be received by the Harbour Board 10 as constituted by this Act, and the recovery thereof :

And whereas it is expedient that the Harbour Board as constituted by this Act be authorised to enter into agreements and arrangements relative to the use of the harbour and of their piers and works with departments of Her Majesty's Government and with railway 15 and other companies and other bodies :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas plans and sections describing the lines, situations, and levels of the works intended to be authorised by this Act, and 20 delineating the lands intended to be authorised to be taken compulsorily under this Act, with a book of reference describing those lands, and containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers thereof, have been deposited with the clerk of the peace for the county of Kent (which are in 25 this Act referred to as the deposited plans, sections, and book of reference) :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 30 by the authority of the same, as follows ; (that is to say,)

#### *Preliminary.*

Short titles  
and construc-  
tion of Acts.

1. The Act in this Act referred to as "The Dover Harbour Act, 1828," may be cited for all purposes by that short title, and this Act may be cited for all purposes as "The Dover Harbour Act, 35 1875," and this Act and the former Harbour Acts shall be read and have effect together as one Act, and may be cited for all purposes as "The Dover Harbour Acts, 1828 to 1875."

Incorporation of  
general  
enactments.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) 40 are hereby incorporated with and shall be part of this Act ; (that is to say,)



The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the "Lands Clauses Acts") : A.D. 1875.

Sections seven, fourteen, and fifteen, twenty to twenty-three (except the proviso at the end of section twenty-three), and  
 5 thirty-four to forty-eight, and sixty-nine to seventy-six, and eighty-three, all inclusive, of "The Harbour, Docks, and Piers Clauses Act, 1847."

3. In this Act—

Interpreta-  
tion.

10 The term "the Secretary of State for War" shall mean such one of Her Majesty's Principal Secretaries of State for the time being as Her Majesty is pleased to intrust with the seals of the War Department :

15 The term "the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral :

The term "the three Government Departments" shall mean the Secretary of State for War, the Admiralty, and the Board of Trade :

20 The term "the Treasury" shall mean the Commissioners of Her Majesty's Treasury :

The term "the old Harbour Board" shall mean the Dover Harbour Board constituted by The Harbour and Passing Tolls Acts, 1861 :

25 The term "the Harbour Board" shall mean the Dover Harbour Board constituted by The Harbour and Passing Tolls Act, 1861, and this Act :

30 In this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute ; and the term "superior courts" shall include any court of competent jurisdiction.

#### *Constitution of Board and Transfer of Admiralty Pier.*

35 4. Notwithstanding anything in The Harbours and Passing Tolls, &c. Act, 1861, the Harbour Board shall consist of thirteen mem-  
 bers, and for that purpose there shall be six new members in addition to the seven appointed under that Act, as follows ; (that is to say,)

Addition of  
six members  
to Harbour  
Board.

40 One member, being an officer of the Board of Trade, who shall be from time to time appointed by the President of the Board of Trade for the time being, in addition to the member appointed by him under the Harbours and Passing Tolls, &c. Act, 1861 :

[84.]

A 3

A.D. 1875.

One member, being an officer of the Admiralty, who shall be from time to time appointed by the First Lord of the Admiralty for the time being, in addition to the member appointed by him under the Harbour and Passing Tolls, &c. Act, 1861 :

Two members who shall be from time to time appointed by the Secretary of State for War for the time being, one of whom shall be an officer of the War Department :

One member who shall be from time to time appointed by the Treasury ; and

One member, who shall be the officer for the time being commanding the Royal Engineers in the south-eastern district, or other the military district in which Dover is situate.

And the six members added by this Act shall be incorporated with the existing body corporate of the old Harbour Board, and shall, with the seven members aforesaid, constitute and be one and the same body corporate ; and all the provisions of the former Harbour Acts relative to the powers, functions, and proceedings of the old Harbour Board, and all acts and proceedings done, taken, or pending by, against, or in relation to that Board, shall remain unaffected by the addition to and incorporation with that Board of the six members added by this Act ; and those six members severally shall have and be subject to all the like powers, functions, duties, obligations, and disabilities as the seven members aforesaid ; and, subject to the provisions of this section, the Harbours and Passing Tolls, &c. Act, 1861, shall, save as by this Act expressly provided, in all respects continue to operate as if this Act had not been passed : Provided always, that five members of the Harbour Board shall form a quorum.

Transfer of  
existing  
Pier to Har-  
bour Board.

5. The existing pier at Dover known as the Government or Admiralty Pier, and now vested in the Board of Trade, shall, from and after the *first day of November one thousand eight hundred and seventy-five*, be and the same is hereby transferred to and vested in the Harbour Board, with all jetties, wharves, light-houses, roads, approaches, works, buildings, and things belonging thereto ; and the ground and soil thereof, and the lands acquired for the purposes thereof, and all powers and duties in relation thereto, and that pier and its appurtenances, shall accordingly be to all intents part of Dover Harbour for the purposes of the former Harbour Acts and of this Act.

#### *Acquisition of Lands, &c.*

Power to  
take lands.

6. Subject to the provisions of this Act the Harbour Board may enter on, purchase, take, and use the lands delineated and described in the deposited plans and book of reference.

A.D. 1875.

7. The powers of the Harbour Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of *five years* from the passing of this Act.

Period for compulsory purchase of lands.

8. The Harbour Board may from time to time for any purpose of this Act purchase by agreement any lands in addition to the lands which they are authorised to take by compulsion, and may hold the same not exceeding in the whole at one time twenty acres.

Power to take additional lands by agreement.

9. The Harbour Board may purchase by agreement, and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Acts to sell lands, then subject and according to the provision relative to the taking of lands by agreement contained in those Acts, for which purpose any term, estate, easement, interest, right, or privilege as aforesaid shall be deemed lands within those Acts.

Power to agree for easements, &c.

10. Notwithstanding anything in the Lands Clauses Acts, the Harbour Board may retain, hold, and use, for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of, in such manner, for such consideration, and on such terms and conditions as they think fit, and in case of sale, either in consideration of a gross sum or of an annual rent, or of any payment in any other form, any lands or any interest in any lands now vested in them or acquired by them under this Act, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Power to retain, sell, &c. lands.

#### *Construction of Works.*

11. Subject and according to the provisions of this Act the Harbour Board may make and maintain in the parishes of St. Mary the Virgin, Dover, and Guston, in the county of Kent, and on the foreshore and bed of the sea adjoining such parishes respectively, and in the lines and according to the levels shown on the deposited plans and sections, the works shown on the deposited plans which comprise the following; (that is to say)

Power for Harbour Board to make new piers.

(1.) A pier or breakwater commencing at the seaward end of and by a junction with the Government pier at Dover, and extending eastwards for a distance of five hundred and fifty feet or thereabouts, and terminating in the bed of the sea:

(2.) A pier or breakwater commencing at a point on the sea-shore four hundred and fifty feet or thereabouts to the



A.D. 1875.

eastward of the landward end of the Castle Jetty at Dover, and extending southward for a distance of one thousand nine hundred feet or thereabouts, and terminating in the bed of the sea ;

- (3.) A pier or breakwater commencing at a point in the bed of the sea eight hundred feet or thereabouts southwards from the termination of the last-mentioned pier or breakwater, and extending thence in a southerly direction one thousand two hundred feet or thereabouts, and thence continuing in a south-westerly direction for two thousand one hundred feet or thereabouts, and terminating in the bed of the sea :

- (4.) A pier or jetty commencing at the top of the pitched slope between the Government Pier at Dover and the South Pier of Dover Harbour, and extending seaward in a southeasterly direction for a distance of one thousand two hundred feet or thereabouts, and terminating in the bed of the sea.

Provided always, that the pier or jetty lastly herein-before mentioned shall not be commenced unless and until the Treasury have signified their consent in writing under the hand of their secretary.

Power to deviate from levels, &c.

12. In making the piers and works to be constructed under the powers of this Act, the Harbour Board may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet, and from the lines shown on the deposited plans to any extent within the limits of deviation marked thereon.

Approval of plans.

13. Before beginning any work, to be constructed under the authority of this Act, the Harbour Board shall deposit at the office of the Board of Trade plans, sections, and working drawings thereof for the approval of the three Government Departments, and the work may be begun and made only after and in accordance with that approval.

Approval of extensions or alterations.

14. When any pier or work to be constructed under the powers of this Act is begun or made, the Harbour Board shall not at any time extend or alter the same without depositing at the office of the Board of Trade plans, sections, and working drawings of the proposed extension or alteration for the approval of the three Government Departments, and the extension or alteration may be begun and made only after and in accordance with that approval : Provided always, that when any such extension or alteration is proposed involving the expenditure upon any single work of an estimated sum of *five hundred pounds*, or upon the aggregate of the works of an estimated sum of *five thousand pounds*, the approval



of the Treasury shall be obtained by and signified through the Board of Trade before such extension or alteration may be begun. A.D. 1875.

15. Every approval and direction of each of the three Government Departments under this Act shall be given as follows; (that is to say,) Form of approval and direction.

Of the Secretary of State for War in writing under his hand :

Of the Admiralty in writing under the hand of the Secretary of the Admiralty :

10 Of the Board of Trade in writing under the hand of a secretary or assistant secretary of the Board of Trade.

16. If any pier or work is begun, made, extended, or altered in contravention of this Act, the Board of Trade may abate and remove it, and restore the site to its former condition, at the expense of the Harbour Board. Abatement of works contrary to Act.

15 17. Subject and according to the provisions of this Act, and within the limits of deviation marked on the deposited plans, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, make, execute, maintain, enlarge, alter, and remove, temporarily or permanently, such entrances, buildings, sheds, warehouses, quays, wharves, viaducts, embankments, jetties, cuts, locks, basins, sluices, water stations, groins, approaches, bridges, lifts, pontoons, machinery, appliances, apparatus, and conveniences, as they think fit. Power to make subsidiary works.

25 18. Subject to the provisions of this Act, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, and within the limits of deviation marked on the deposited plans, dredge, scour, and deepen the foreshore and bed of the sea within the said limits of deviation, and remove chalk, gravel, or other substance collected by means of that dredging or scouring. Power to dredge, &c.

35 19. Subject to the provisions of this Act, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, and within the limits of deviation marked on the deposited plans, divert or alter, temporarily or permanently, such roads, streams, watercourses, drains, and pipes as it may be necessary to interfere with in the construction, maintenance, or use of the said piers and works. Power to stop up roads, &c.

40 20. The Harbour Board shall, on the several piers and works by this Act authorised, during the whole time of the constructing and Lights on works.

A.D. 1875. altering or extending thereof, exhibit and keep burning, at their own expense, such lights, if any, as the Board of Trade from time to time require or approve.

Permanent  
lights.

**21.** The Harbour Board shall at all times after the completion of each of the piers by this Act authorised, at the outer extremity 5 or at some other part or parts thereof, exhibit and keep burning, from sunset to sunrise, such lights or light as the Elder Brethren of the Trinity House of Deptford Strond from time to time direct.

Abatement  
of works  
abandoned or  
decayed.

**22.** If any pier or work constructed by the Harbour Board is abandoned or suffered to fall into decay, the Board of Trade may 10 abate and remove it, or any part of it, and restore the site thereof to its former condition, at the expense of the Harbour Board.

Recovery of  
expenses.

**23.** Where by this Act anything is authorised or directed to be done by the Board of Trade at the expense of the Harbour Board, the amount of that expense shall be a debt due from the Harbour 15 Board to the Crown, and shall be recoverable accordingly, with costs of suit, or may be recovered with costs as a penalty is recoverable from the Harbour Board.

Works to  
be part of  
harbour.

**24.** The piers and works by this Act authorised, as well during the making as after the completion thereof, and all materials and 20 things provided or had by the Harbour Board for the purposes thereof, are hereby vested in the Harbour Board, who shall have all such powers, authorities, and rights in respect thereof as if the same had been made, provided, and had by them by virtue or for the purposes of the former Harbour Acts; and those piers and works, 25 and the whole area of land and water comprised within the external boundary thereof, shall, for the purposes of dues and tolls, and for all other purposes, be part of Dover Harbour, within the former Harbour Acts and this Act or otherwise.

Prescribed  
limits of  
harbour.

**25.** The limits of Dover harbour for the execution of the 30 powers conferred upon the harbour master by the Dover Harbour Act, 1828, shall be the distance of two hundred and fifty yards in every direction beyond the outer limits of Dover Harbour as it for the time being exists, and every offence which shall be committed, and every cause of complaint which shall arise, within such 35 limits, shall for the purpose of giving jurisdiction be deemed to have been committed, and to have arisen within the borough of Dover.

\* Repeal of  
section 21 of  
Act of 1871.

**26.** From and after the passing of this Act, section twenty-one 40 of the Act of 1871 shall be and the same is hereby repealed.

*Financial.*

A.D. 1875.

27. The expenses incurred in and about the construction of the works by this Act authorised shall not exceed in the whole the sum of *nine hundred and seventy thousand pounds*, nor in any one year the sum of *one hundred and twenty thousand pounds*, and the same shall from time to time be defrayed in the following manner:

Limit of expenses and payment of same.

1. *One third of the expenses incurred in each year shall be defrayed by moneys to be provided by Parliament :*

2. The remaining two thirds of such expenses incurred in each year shall be advanced by way of loan by the Public Works Loan Commissioners as defined by the Act of the nineteenth year of the reign of Her present Majesty, chapter seventeen, out of the funds for the time being at their disposal, or provided by Parliament for that purpose.

All the provisions of Part I. of the Harbour and Passing Tolls, &c. Act, 1861, with respect to loans to harbours, shall apply to loans to be made by the Public Works Loan Commissioners under the authority of this Act, subject to the following modifications :

(a.) The interest payable in respect of the sums first advanced by the said Commissioners to the Harbour Board, amounting in the aggregate to the sum of one hundred thousand pounds, shall be at the rate of *three pounds five shillings* per centum per annum, but when such aggregate amount exceeds one hundred thousand pounds the interest payable in respect of one hundred thousand pounds shall be at the rate aforesaid, and the interest payable in respect of the excess shall be at the rate of *three pounds ten shillings* per centum per annum :

(b.) The Harbour Board shall secure the repayment of advances, and of interest thereon, by mortgage of—

(1.) All rates, dues, tolls, and taxes leviable by the Harbour Board under the authority of the former Harbour Acts and of this Act :

(2.) All freehold or leasehold property now vested in or to be acquired under the authority of this Act by the Harbour Board :

(3.) All rents and payments which the Harbour Board may be or may become entitled to receive for the use of Dover Harbour, or any part thereof, or any of the works vested in or which may be constructed by the Harbour Board :



A.D. 1875. Provided always, that until after the expiration of a period of five years from the making of the first loan by the Public Works Loan Commissioners under the authority of this Act, no payment on account of the principal or interest shall be demanded from the Harbour Board beyond such as can be defrayed out of the annual surplus (if any) of income which may remain in the hands of the Harbour Board after defraying the ordinary expenditure necessary for the maintenance of the harbour; but all sums due by way of interest during such period and unpaid shall, as and from the times at which such sums shall respectively become due, be added to and shall be deemed to form part of the sums advanced to the Harbour Board under the authority of this Act, and interest shall thenceforth be payable thereon in like manner and subject to the same conditions as if the same had been actually advanced to the Harbour Board by the Public Works Loan Commissioners as aforesaid. 15

Saving for  
existing  
charges.

28. Nothing in this Act shall prejudicially affect any charge, by way of mortgage or otherwise, on the lands, property, rates, tonnage, and other duties of the old Harbour Board subsisting at the passing of this Act; and every mortgagee, incumbrancer, or person for the time being entitled to the benefit of any such charge shall have a priority of charge, and all the like rights and remedies in respect of the lands, property, rates, tolls, tonnage, and other duties subject to his charge, as if this Act had not been passed; and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage granted by the Harbour Board under this Act. 20 25

Application  
of corporate  
funds and  
other money.

29. The Harbour Board may apply for the purposes of this Act any money raised by or accruing to them under the former Harbour Acts, and not otherwise appropriated, and any money being at their disposal under this Act or otherwise. 30

Power to  
take dues.

30. The Harbour Board may demand and take such dues as are specified in Part I. and Part II. of the second schedule of the Dover Harbour Act, 1871, in respect of vessels entering and goods shipped and unshipped in Dover harbour as it for the time being exists. 35

The Harbour Board, subject to such regulations and exemptions as the Board of Trade may with the concurrence of the Treasury approve, may demand and take, in respect of the use of the Government pier and of any works and conveniences constructed and provided under this Act, in respect of steam or other vessels using the same, and which have carried or are about to carry pas- 40



A.D. 1875.

sengers between Dover and any port or place out of the United Kingdom, such dues and tolls not exceeding the amounts specified in the schedule to this Act annexed as they may think proper, with full power from time to time, with the consent of the Board of Trade and the Treasury, to reduce or raise the amount of the dues and tolls levied within the limit prescribed by the said Schedule : Provided always, that no such tolls in respect of any such passengers shall be demanded or taken until it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, that the works authorised by this Act have been so far completed as to afford increased accommodation for the landing and embarking of passengers, and that from and after the time when it is so certified, and until the works authorised by this Act have been completed, not more than one-half of the sum specified in the said schedule in respect of any such passenger shall be demanded or taken.

**31.** Dues or tolls under this Act shall become and be due and payable at the times and in the manner prescribed by the regulations respecting the same made in pursuance of this Act.

Payment of  
dues and  
tolls.

**32.** The collector of harbour dues may exercise the powers conferred on him by section forty-four of The Harbours, Docks, and Piers Clauses Act, 1847, immediately on a vessel entering the Harbour, and without any refusal or neglect on the part of the master of the vessel to pay dues.

Powers to  
to enforce  
tonnage dues  
forthwith.

**33.** The Harbour Board may recover in a court of competent jurisdiction any dues or tolls payable to them under this Act, and any arrears of tolls, rates, or dues payable to them under any of the former Harbour Acts ; and the demand required by section twenty-six of The Dover Harbour Act, 1828, or by section forty-four of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be requisite, except in cases where proceedings for recovery are taken under those sections respectively.

Recovery of  
dues, &c.

**34.** Nothing in this Act shall make liable to any due any of Her Majesty's ships of war, or any transport hired by the Admiralty, or any ship of war of a foreign friendly state not engaged in carrying passengers or goods for profit.

Ships of  
war not to  
pay dues.

**35.** All money received by the Harbour Board from dues and tolls, leviable under this Act, or by way of rent or payment for the use of any works, shall be applied and disposed of in carrying into execution the former Harbour Acts and this Act, and the surplus, if any, shall be applied in the repayment from time to time of moneys due by the Harbour Board and secured by mortgage under this Act.

Application  
of income of  
Harbour  
Board.

A.D. 1875.

Estimates  
and accounts  
to be appro-  
ved by  
Board of  
Trade.

**36.** The Harbour Board shall from time to time submit to the Board of Trade estimates of all expenses to be incurred by them in the execution of this Act, and shall also, whenever in providing for any sudden emergency it is necessary to incur any expense, without waiting until an estimate can be sanctioned; as soon as possible send 5 to the Board of Trade a full account of such expense, and the Board of Trade shall consider, and may approve, such estimates and accounts, with or without modification.

No expense  
to be al-  
lowed unless  
sanctioned  
by Board of  
Trade.

**37.** No expense of the Harbour Board under this Act shall be paid or allowed in account other than the sums included in estimates 10 or accounts approved by the Board of Trade.

The Harbour  
Board to  
account for  
receipt and  
expenditure  
to the Board  
of Trade.

**38.** The Harbour Board shall account to the Board of Trade for all moneys from time to time received by them, and for their expen-  
diture under this Act in such form and at such times and with  
such details, explanations, and vouchers, as the Board of Trade 15  
requires, and shall, when required by the Board of Trade, permit  
all books and accounts kept by or under their direction to be  
inspected and examined by such persons as the Board of Trade  
appoints for such purpose, and such persons shall be paid by the  
Harbour Board such sums by way of remuneration as the Board of 20  
Trade shall direct.

Accounts to  
be audited.

**39.** The officer or officers for the time being appointed to render the appropriation accounts of the Board of Trade shall render to the comptroller and auditor-general, at such times and in such form as the Treasury shall approve, accounts for the financial year 25 of the whole of the receipts and expenditure of the Harbour Board, and if the comptroller and auditor-general question the allowance of any sum charged in such accounts it shall be lawful for the Treasury to allow or disallow such sum as they may think fit.

Accounts to  
be laid before  
Parliament.

**40.** The Board of Trade shall as soon as practicable after the 30 meeting of Parliament in every year cause the accounts of the Harbour Board for the preceding financial year with the report of the comptroller and auditor-general to be laid before both Houses of Parliament.

#### *Miscellaneous.*

35

Power for  
agreements  
between  
Harbour  
Board and  
Govern-  
ment De-  
partments,

**41.** The Harbour Board on the one hand, and the three Govern-  
ment Departments, or any of them, or any other Department of  
Her Majesty's Government, the South-eastern Railway Company,  
the London, Chatham, and Dover Railway Company, and any other  
railway company or other company, or any corporation or any person, 40  
(in this section referred to as the contracting party,) on the other

hand, may from time to time enter into and carry into effect agreements and arrangements with respect to the matters following, or any of them; (that is to say,) A.D. 1875.

—  
railway  
companies,  
&c.

With respect to the use by the contracting party of the piers and works authorised by this Act or any of them, or any part thereof:

With respect to the use by the contracting party of the Government Pier or of Dover Harbour as it exists at the passing of this Act, and as it will from time to time exist before and after the completion of the piers and works by this Act authorised:

With respect to the dues to be demanded and taken from the contracting party in Dover Harbour as it exists and will exist as aforesaid, and in or on the piers and works by this Act authorised, as and when in part or wholly completed, and in the water area within the same, or any part thereof:

With respect to the erection of works for the accommodation of the contracting party, and the payment in whole or in part by the contracting party of the cost thereof, either by a sum in gross, or by rent or annual payment, or by special dues or otherwise:

With respect to contribution by the contracting party towards the cost of the piers and works by this Act authorised:

Provided always, that any agreement or arrangement so entered into shall be subject to the approval of the Treasury, such approval to be obtained by and signified through the Board of Trade.

42. In the anticipation or in the event of war with any state, it shall be lawful for Her Majesty, by proclamation under Her Royal Sign Manual, to direct that, during the continuance of such war, or for such period as may be specified in such proclamation, the Admiralty shall, with respect to Dover Harbour, act instead of the Harbour Board in the execution of the former Harbour Acts and of this Act, and shall further, with respect to Dover Harbour, have such powers for closing or regulating the use of the same and for erecting temporary or permanent works or otherwise as Her Majesty may be pleased to confer, and as may be specified in such proclamation; and from and after such time as may be specified for the purpose in any such proclamation, and, if no time be specified therein, from and after the date of such proclamation, all matters to be done in pursuance of the said Acts, by or by order of the Harbour Board, shall, during the continuance of such war, or during the period specified in such

Admiralty in  
case of war  
to have  
charge of  
harbour.



A.D. 1875. proclamation, be done by or by order of the Admiralty and the said Acts shall, during such continuance or period, be read and construed as if the Admiralty were thereby empowered to act in the execution of the same instead of the Harbour Board, and the Admiralty may also, during such continuance or period, exercise such further powers as Her Majesty may have been pleased to confer and to specify in such proclamation. 5

Byelaws as to lading and unloading vessels and storing of goods.

43. In addition to the purposes for which byelaws may be made under the Dover Harbour Act, 1828, and any other Act relating to Dover Harbour, the Harbour Board may, subject to the provisions of such Acts, from time to time make byelaws for regulating the mode of lading or unloading vessels, and for the passage of traffic over any part of the harbour, quays, piers, wharves, landing places, and works, and the storing of goods in warehouses or on premises belonging to the Harbour Board, and may revoke, alter, and amend the same, or may make new byelaws in lieu thereof, and may impose or inflict such reasonable fines or forfeitures against all persons who shall offend against any such byelaws, as they shall think fit, not exceeding the sum of *five* pounds for any one offence, but no such byelaw shall come into operation until the same be confirmed by the Board of Trade, and when the same shall have been so confirmed and signed by one of the secretaries or assistant secretaries of the Board of Trade such byelaws shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same. 15 20 25

Amendment of section 37 of the Act of 1828.

44. Where under the fifty-seventh section of the Act of 1828, any master, owner, or other person having the rule or command of any ship or vessel entering into or departing from, or lying or being in Dover Harbour, or having the charge or care of any boat, barge, or other vessel navigating in or using the said harbour, shall be or become answerable for any damage, spoil, or mischief done to the harbour, or any of the works thereof, the Harbour Board may detain any such ship or vessel until sufficient security has been given for the amount of damage done by the same. 30

Officers to have free access to works.

45. Notwithstanding anything in this Act, officers and servants of the three Government Departments, and of the Postmaster General, and officers of customs, while respectively in the execution of their duty, shall at all times have free ingress, passage, and egress into, on, along, through, and out of the piers, works, lands, and property of the Harbour Board by land, and with vessels and otherwise, without payment. 35 40



46. Nothing contained in this Act shall authorise the Harbour Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

A.D. 1875.  
Saving  
rights of the  
Crown in the  
foreshore.

47. Nothing in this Act shall authorise the Harbour Board to take, use, or in any manner interfere with any land or hereditaments, or any rights, of whatsoever description (if any), belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent those Commissioners are hereby respectively authorised to give); nor shall anything in this Act extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities (if any) vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving  
rights of  
the Crown.

48. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act shall be paid by the Harbour Board.

Expenses of  
Act.

A.D. 1875.

## SCHEDULE.

DUES TO BE DEMANDED AND TAKEN BY HARBOUR BOARD UNDER  
THIS ACT.

	s.	d.	
For every steam or other vessel using the Government pier or any pier or landing place, whether entering Dover Harbour or not, the like dues as if such vessel had entered Dover Harbour -			5
For every railway train, consisting of not more than one engine and eleven coaches, trucks, vans, or carriages in the aggregate, running on or using the Government pier or any pier -	10	0	10
For every additional engine beyond one forming part of such train -	1	0	
For every additional coach, truck, van, or carriage beyond eleven in the aggregate, forming part of such train -	0	10	
For every steam or other vessel which shall have carried, or is about to carry, passengers between Dover and any port or place out of the United Kingdom, a sum (in addition to the other dues authorised by this Act) to be estimated according to the number of passengers carried, or about to be carried, by such steam or other vessel at a rate not exceeding for each such passenger -	1	0	15



# Dover Pier and Harbour.

A

## B I L L

To authorise the construction of additional Piers and Works at Dover, to amend the Constitution of the Dover Harbour Board; and for other purposes relating thereto.

*(Prepared and brought in by  
Sir Charles Adderley, Mr. Cavendish Bentinck,  
and Mr. William Henry Smith.)*

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*Ordered, by The House of Commons, to be printed,  
4 March 1875.*

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[Bill 84.]

*Under 3 oz.*



# Dover Pier and Harbour Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### *Preliminary.*

Clause.

1. Short titles and construction of Acts.
2. Incorporation of general enactments.
3. Interpretation.

### *Constitution of Board and Transfer of Government or Admiralty Pier.*

4. Addition of six members to Harbour Board.
5. Transfer of existing pier to Harbour Board.

### *Acquisition of Lands, &c.*

6. Power to take lands.
7. Period for compulsory purchase of lands.
8. Power to take additional lands by agreement.
9. Power to agree for easements, &c.
10. Power to retain, sell, &c. lands.

### *Construction of Works.*

11. Power for Harbour Board to make new piers.
12. Power to deviate from levels, &c.
13. Approval of plans.
14. Approval of extensions or alterations.
15. Form of approval and direction.
16. Abatement of works contrary to Act.
17. Power to make subsidiary works.
18. Power to dredge, &c.
19. Power to stop up roads, &c.
20. Lights on works.
21. Permanent lights.
22. Abatement of works abandoned or decayed.
23. Recovery of expenses.
24. Works to be part of harbour.

[Bill 192.]

A

## Clause.

25. Prescribed limits of harbour.
26. Repeal of section 21 of Act of 1871.

*Financial.*

27. Limit of expenses and payment of same.
28. Saving for existing charges.
29. Application of corporate funds and other money.
30. Power to take dues.
31. Payment of dues and tolls.
32. Powers to enforce tonnage dues forthwith.
33. Recovery of dues, &c.
34. Ships of war not to pay dues.
35. Application of income of Harbour Board.
36. Estimates and accounts to be approved by Board of Trade.
37. No expense to be allowed unless sanctioned by Board of Trade.
38. The Harbour Board to account for receipt and expenditure to the Board of Trade.
39. Accounts to be audited.
40. Accounts to be laid before Parliament.

*Miscellaneous.*

41. Power for agreements between Harbour Board and Government departments, railway companies, &c.
42. Admiralty in case of war to have charge of harbour.
43. Byelaws as to lading and unlading vessels and storing of goods.
44. Amendment of section 57 of the Act of 1828.
45. Officers to have free access to works.
46. Saving rights of the Crown in the foreshore.
47. Saving rights of the Crown.
48. Expenses of Act.

SCHEDULE.

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## A

## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Authorise the construction of additional Piers and Works at A.D. 1875.  
 Dover, to amend the Constitution of the Dover Harbour  
 Board, and for other purposes relating thereto.

**W**HEREAS the Dover Harbour Board are constituted and incorporated by The Harbours and Passing Tolls, &c. Act, 1861, for the purpose of maintaining and improving Dover Harbour, and are for such purpose empowered to act in the execution of the said  
 5 Act in conjunction with the following Acts; (that is to say,)

An Act of the ninth year of the reign of King George the Fourth, chapter thirty-one (Local and Personal), intituled "An Act for  
 " more effectually maintaining and improving the harbour of  
 " Dover, in the county of Kent;"

10 The Dover Harbour Act, 1871; and

The Dover Harbour Act, 1873:

(which Act of the reign of King George the Fourth is in this Act referred to as "The Dover Harbour Act, 1828," and which four Acts are in this Act referred to collectively as "the former Harbour  
 15 Acts"):

And whereas it would be of great local and public as well as national advantage if the said harbour were improved by the construction of additional piers and works, and if for the construction of the same provisions such as are in this Act contained were made:

20 And whereas it is expedient that, subject to the conditions and limitations by this Act prescribed, a certain proportion of the expenditure incurred in the construction of the said piers and works should be defrayed out of the public revenue as a free grant, and that the residue of such expenditure should be defrayed by moneys to be  
 25 advanced from time to time by the Public Works Loan Commissioners for such purpose:

[Bill 192.]

A 2

A.D. 1875.

And whereas, having regard to the circumstances of the port and harbour of Dover, to the provisions of this Act, and to the piers and works to be constructed under the authority of the same, it is expedient that the Dover Harbour Board be reconstructed in manner herein-after provided :

5

And whereas it is expedient that the pier at Dover, known as the Government or Admiralty Pier, be transferred to and vested in the Harbour Board as constituted by this Act :

And whereas it is expedient that new provisions be made respecting the dues and tolls to be received by the Harbour Board as constituted by this Act, and the recovery thereof :

10

And whereas it is expedient that the Harbour Board as constituted by this Act be authorised to enter into agreements and arrangements relative to the use of the harbour and of their piers and works with departments of Her Majesty's Government and with railway and other companies and other bodies :

15

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas plans and sections describing the lines, situations, and levels of the works intended to be authorised by this Act, and delineating the lands intended to be authorised to be taken compulsorily under this Act, with a book of reference describing those lands, and containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers thereof, have been deposited with the clerk of the peace for the county of Kent (which are in this Act referred to as the deposited plans, sections, and book of reference) :

25

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

30

#### *Preliminary.*

Short titles  
and construction  
of Acts.

1. The Act in this Act referred to as "The Dover Harbour Act, 1828," may be cited for all purposes by that short title, and this Act may be cited for all purposes as "The Dover Harbour Act, 1875," and this Act and the former Harbour Acts shall be read and have effect together as one Act, and may be cited for all purposes as "The Dover Harbour Acts, 1828 to 1875."

35

Incorporation  
of  
general  
enactments.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall be part of this Act ; (that is to say,)

40



The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the "Lands Clauses Acts") : A.D. 1875.

Sections seven, fourteen, and fifteen, twenty to twenty-three (except the proviso at the end of section twenty-three), and  
 5 thirty-four to forty-eight, and sixty-nine to seventy-six, and eighty-three, all inclusive, of "The Harbour, Docks, and Piers Clauses Act, 1847."

### 3. In this Act—

10 The term "the Secretary of State for War" shall mean such one of Her Majesty's Principal Secretaries of State for the time being as Her Majesty is pleased to intrust with the seals of the War Department :

15 The term "the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral :

The term "the three Government Departments" shall mean the Secretary of State for War, the Admiralty, and the Board of Trade :

20 The term "the Treasury" shall mean the Commissioners of Her Majesty's Treasury :

The term "the old Harbour Board" shall mean the Dover Harbour Board constituted by The Harbour and Passing Tolls Acts, 1861 :

25 The term "the Harbour Board" shall mean the Dover Harbour Board constituted by The Harbour and Passing Tolls Act, 1861, and this Act :

30 In this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute ; and the term "superior courts" shall include any court of competent jurisdiction.

### *Constitution of Board and Transfer of Government or Admiralty Pier.*

35 4. Notwithstanding anything in The Harbours and Passing Tolls, &c. Act, 1861, the Harbour Board shall consist of thirteen members, and for that purpose there shall be six members in addition to the seven appointed under that Act, as follows ; (that is to say,)

40 One member, being an officer of the Board of Trade, who shall be from time to time appointed by the President of the Board of Trade for the time being, in addition to the member appointed by him under the Harbours and Passing Tolls, &c. Act, 1861 :

[192.]

A 3

Interpreta-  
tion.

Addition of  
six members  
to Harbour  
Board.

A.D. 1875.

One member, being an officer of the Admiralty, who shall be from time to time appointed by the First Lord of the Admiralty for the time being, in addition to the member appointed by him under the Harbour and Passing Tolls, &c. Act, 1861 :

Two members who shall be from time to time appointed by the Secretary of State for War for the time being, one of whom shall be an officer of the War Department :

One member who shall be from time to time appointed by the Treasury ; and

One member, who shall be the officer for the time being commanding the Royal Engineers in the south-eastern district, or other the military district in which Dover is situate.

And these six members shall be incorporated with the existing body corporate of the old Harbour Board, and shall, with the seven members aforesaid, constitute and be one and the same body corporate ; and all the provisions of the former Harbour Acts relative to the powers, functions, and proceedings of the old Harbour Board, and all acts and proceedings done, taken, or pending by, against, or in relation to that Board, shall remain unaffected by the addition to and incorporation with that Board of the said six members ; and those six members severally shall have and be subject to all the like powers, functions, duties, obligations, and disabilities as the seven members aforesaid ; and, subject to the provisions of this section, the Harbours and Passing Tolls, &c. Act, 1861, shall, save as by this Act expressly provided, in all respects continue to operate as if this Act had not been passed : Provided always, that five members of the Harbour Board shall form a quorum.

Transfer of  
existing  
Pier to Har-  
bour Board.

5. The existing pier at Dover known as the Government or Admiralty Pier, and now vested in the Board of Trade, shall, from and after the first day of November one thousand eight hundred and seventy-five, be and the same is hereby transferred to and vested in the Harbour Board, with all jetties, wharves, light-houses, roads, approaches, works, buildings, and things belonging thereto ; and the ground and soil thereof, and the lands acquired for the purposes thereof, and all powers and duties in relation thereto, and that pier and its appurtenances, shall accordingly be to all intents part of Dover Harbour for the purposes of the former Harbour Acts and of this Act.

#### *Acquisition of Lands, &c.*

Power to  
take lands.

6. Subject to the provisions of this Act the Harbour Board may enter on, purchase, take, and use the lands delineated and described in the deposited plans and book of reference.

A.D. 1875.

7. The powers of the Harbour Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

8. The Harbour Board may from time to time for any purpose of this Act purchase by agreement any lands in addition to the lands which they are authorised to take by compulsion, and may hold the same not exceeding in the whole at one time twenty acres.

Power to take additional lands by agreement.

9. The Harbour Board may purchase by agreement, and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Acts to sell lands, then subject and according to the provision relative to the taking of lands by agreement contained in those Acts, for which purpose any term, estate, easement, interest, right, or privilege as aforesaid shall be deemed lands within those Acts.

Power to agree for easements, &c.

10. Notwithstanding anything in the Lands Clauses Acts, the Harbour Board may retain, hold, and use, for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of, in such manner, for such consideration, and on such terms and conditions as they think fit, and in case of sale, either in consideration of a gross sum or of an annual rent, or of any payment in any other form, any lands or any interest in any lands now vested in them or acquired by them under this Act, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Power to retain, sell, &c. lands.

#### *Construction of Works.*

11. Subject and according to the provisions of this Act the Harbour Board may make and maintain in the parishes of St. Mary the Virgin, Dover, and Guston, in the county of Kent, and on the foreshore and bed of the sea adjoining such parishes respectively, and in the lines and according to the levels shown on the deposited plans and sections, the works shown on the deposited plans which comprise the following ; (that is to say,)

Power for Harbour Board to make new piers.

(1.) A pier or breakwater commencing at the seaward end of and by a junction with the Government pier at Dover, and extending eastwards for a distance of five hundred and fifty feet or thereabouts, and terminating in the bed of the sea :

(2.) A pier or breakwater commencing at a point on the sea-shore four hundred and fifty feet or thereabouts to the



A.D. 1875.

eastward of the landward end of the Castle Jetty at Dover, and extending southward for a distance of one thousand nine hundred feet or thereabouts, and terminating in the bed of the sea :

- (3.) A pier or breakwater commencing at a point in the bed of the sea eight hundred feet or thereabouts southwards from the termination of the last-mentioned pier or breakwater, and extending thence in a southerly direction one thousand two hundred feet or thereabouts, and thence continuing in a south-westerly direction for two thousand one hundred feet or thereabouts, and terminating in the bed of the sea :
- (4.) A pier or jetty commencing at the top of the pitched slope between the Government Pier at Dover and the South Pier of Dover Harbour, and extending seaward in a southeasterly direction for a distance of one thousand two hundred feet or thereabouts, and terminating in the bed of the sea.

Provided always, that the pier or jetty lastly herein-before mentioned shall not be commenced unless and until the Treasury have signified their consent in writing under the hand of their secretary.

Power to deviate from levels, &c.

**12.** In making the piers and works to be constructed under the powers of this Act, the Harbour Board may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet, and from the lines shown on the deposited plans to any extent within the limits of deviation marked thereon.

Approval of plans.

**13.** Before beginning any work, to be constructed under the authority of this Act, the Harbour Board shall deposit at the office of the Board of Trade plans, sections, and working drawings thereof for the approval of the three Government Departments, and the work may be begun and made only after and in accordance with that approval.

Approval of extensions or alterations.

**14.** When any pier or work to be constructed under the powers of this Act is begun or made, the Harbour Board shall not at any time extend or alter the same without depositing at the office of the Board of Trade plans, sections, and working drawings of the proposed extension or alteration for the approval of the three Government Departments, and the extension or alteration may be begun and made only after and in accordance with that approval : Provided always, that when any such extension or alteration is proposed involving the expenditure upon any single work of an estimated sum of five hundred pounds, or upon the aggregate of the works of an estimated sum of five thousand pounds, the approval



of the Treasury shall be obtained by and signified through the Board of Trade before such extension or alteration may be begun. A.D. 1875.

15. Every approval and direction of each of the three Government Departments under this Act shall be given as follows; (that is to say,) Form of approval and direction.

Of the Secretary of State for War in writing under his hand :

Of the Admiralty in writing under the hand of the Secretary of the Admiralty :

10 Of the Board of Trade in writing under the hand of a secretary or assistant secretary of the Board of Trade.

16. If any pier or work is begun, made, extended, or altered in contravention of this Act, the Board of Trade may abate and remove it, and restore the site to its former condition, at the expense of the Harbour Board. Abatement of works contrary to Act.

15 17. Subject and according to the provisions of this Act, and within the limits of deviation marked on the deposited plans, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, make, execute, maintain, enlarge, alter, and remove, temporarily or permanently, such entrances, buildings, sheds, warehouses, quays, wharves, viaducts, embankments, jetties, cuts, locks, basins, sluices, water stations, groins, approaches, bridges, lifts, pontoons, machinery, appliances, apparatus, and conveniences, as they think fit. Power to make subsidiary works.

25 18. Subject to the provisions of this Act, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, and within the limits of deviation marked on the deposited plans, dredge, scour, and deepen the foreshore and bed of the sea within the said limits of deviation, and remove chalk, gravel, or other substance collected by means of that dredging or scouring. Power to dredge, &c.

35 19. Subject to the provisions of this Act, the Harbour Board may from time to time, in connection with or for the purposes of the piers and works to be constructed under the powers of this Act, and within the limits of deviation marked on the deposited plans, divert or alter, temporarily or permanently, such roads, streams, watercourses, drains, and pipes as it may be necessary to interfere with in the construction, maintenance, or use of the said piers and works. Power to stop up roads, &c.

40 20. The Harbour Board shall, on the several piers and works by this Act authorised, during the whole time of the constructing and Lights on works.

A.D. 1875. altering or extending thereof, exhibit and keep burning, at their own expense, such lights, if any, as the Board of Trade from time to time require or approve.

Permanent  
lights.

21. The Harbour Board shall at all times after the completion of each of the piers by this Act authorised, at the outer extremity 5 or at some other part or parts thereof, exhibit and keep burning, from sunset to sunrise, such lights or light as the Elder Brethren of the Trinity House of Deptford Strand from time to time direct.

Abatement  
of works  
abandoned or  
decayed.

22. If any pier or work constructed by the Harbour Board is abandoned or suffered to fall into decay, the Board of Trade may 10 abate and remove it, or any part of it, and restore the site thereof to its former condition, at the expense of the Harbour Board.

Recovery of  
expenses.

23. Where by this Act anything is authorised or directed to be done by the Board of Trade at the expense of the Harbour Board, the amount of that expense shall be a debt due from the Harbour 15 Board to the Crown, and shall be recoverable accordingly, with costs of suit, or may be recovered with costs as a penalty is recoverable from the Harbour Board.

Works to  
be part of  
harbour.

24. The piers and works by this Act authorised, as well during the making as after the completion thereof, and all materials and 20 things provided or had by the Harbour Board for the purposes thereof, are hereby vested in the Harbour Board, who shall have all such powers, authorities, and rights in respect thereof as if the same had been made, provided, and had by them by virtue or for the purposes of the former Harbour Acts; and those piers and works, 25 and the whole area of land and water comprised within the external boundary thereof, shall, for the purposes of dues and tolls, and for all other purposes, be part of Dover Harbour, within the former Harbour Acts and this Act or otherwise.

Prescribed  
limits of  
harbour.

25. The limits of Dover harbour for the execution of the 30 powers conferred upon the harbour master by the Dover Harbour Act, 1828, shall be the distance of two hundred and fifty yards in every direction beyond the outer limits of Dover Harbour as it for the time being exists, and every offence which shall be committed, and every cause of complaint which shall arise, within such 35 limits, shall for the purpose of giving jurisdiction be deemed to have been committed, and to have arisen within the borough of Dover.

Repeal of  
section 21 of  
Act of 1871.

26. From and after the passing of this Act, section twenty-one 40 of the Act of 1871 shall be and the same is hereby repealed.

*Financial.*

A.D. 1875.

Limit of ex-  
penses and  
payment of  
same.

27. The expenses incurred in and about the construction of the works by this Act authorised shall not exceed in the whole the sum of nine hundred and seventy thousand pounds, nor in any one year the sum of one hundred and twenty thousand pounds, and the same shall from time to time be defrayed in the following manner :

1. *One third of the expenses incurred in each year shall be defrayed by moneys to be provided by Parliament :*

2. The remainder of such expenses incurred in each year shall be advanced by way of loan by the Public Works Loan Commissioners as defined by the Act of the nineteenth year of the reign of Her present Majesty, chapter seventeen, out of the funds for the time being at their disposal, or provided by Parliament for that purpose.

All the provisions of Part I. of the Harbour and Passing Tolls, &c. Act, 1861, with respect to loans to harbours, shall apply to loans to be made by the Public Works Loan Commissioners under the authority of this Act, subject to the following modifications :

(a.) The interest payable in respect of the sums first advanced by the said Commissioners to the Harbour Board, amounting in the aggregate to the sum of one hundred thousand pounds, shall be at the rate of three pounds five shillings per centum per annum, but when such aggregate amount exceeds one hundred thousand pounds the interest payable in respect of one hundred thousand pounds shall be at the rate aforesaid, and the interest payable in respect of the excess shall be at the rate of three pounds ten shillings per centum per annum :

(b.) The Harbour Board shall secure the repayment of advances, and of interest thereon, by mortgage of—

(1.) All rates, dues, tolls, and taxes leviable by the Harbour Board under the authority of the former Harbour Acts and of this Act :

(2.) All freehold or leasehold property now vested in or to be acquired under the authority of this Act by the Harbour Board :

(3.) All rents and payments which the Harbour Board may be or may become entitled to receive for the use of Dover Harbour, or any part thereof, or any of the works vested in or which may be constructed by the Harbour Board :

Provided always, that until after the expiration of a period of five years from the making of the first loan by the Public Works Loan



A.D. 1875. Commissioners under the authority of this Act, no payment on account of the principal or interest shall be demanded from the Harbour Board beyond such as can be defrayed out of the annual surplus (if any) of income which may remain in the hands of the Harbour Board after defraying the ordinary expenditure necessary 5 for the maintenance of the harbour; but all sums due by way of interest during such period and unpaid shall, as and from the times at which such sums shall respectively become due, be added to and shall be deemed to form part of the sums advanced to the Harbour Board under the authority of this Act, and interest shall thence- 10 forth be payable thereon in like manner and subject to the same conditions as if the same had been actually advanced to the Harbour Board by the Public Works Loan Commissioners as aforesaid.

Saving for  
existing  
charges.

28. Nothing in this Act shall prejudicially affect any charge, by way of mortgage or otherwise, on the lands, property, rates, 15 tonnage, and other duties of the old Harbour Board subsisting at the passing of this Act; and every mortgagee, incumbrancer, or person for the time being entitled to the benefit of any such charge shall have a priority of charge, and all the like rights and remedies in respect of the lands, property, rates, tolls, tonnage, and other duties 20 subject to his charge, as if this Act had not been passed; and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage granted by the Harbour Board under this Act: Provided always, that from and after the passing of this Act no further moneys shall be borrowed 25 by the Harbour Board under the authority of the former Harbour Acts.

Application  
of corporate  
funds and  
other money.

29. The Harbour Board may apply for the purposes of this Act any money raised by or accruing to them under the former Harbour Acts, and not otherwise appropriated, and any money being at their 30 disposal under this Act or otherwise.

Power to  
take dues.

30. The Harbour Board may demand and take such dues as are specified in Part I. and Part II. of the second schedule of the Dover Harbour Act, 1871, in respect of vessels entering and goods shipped and unshipped in Dover harbour as it for the time being 35 exists.

The Harbour Board, subject to such regulations and exemptions as the Board of Trade may with the concurrence of the Treasury approve, may demand and take, in respect of the use of the Government pier and of any works and conveniences constructed 40 and provided under this Act, in respect of steam or other vessels using the same, and which have carried or are about to carry pas-



A.D. 1875.

sengers between Dover and any port or place out of the United Kingdom, such dues and tolls not exceeding the amounts specified in the schedule to this Act annexed as they may think proper, with full power from time to time, with the consent of the Board of Trade and  
 5 the Treasury, to reduce or raise the amount of the dues and tolls levied within the limit prescribed by the said Schedule : Provided always, that no such tolls in respect of any such passengers shall be demanded or taken until it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, that the  
 10 works authorised by this Act have been so far completed as to afford increased accommodation for the landing and embarking of passengers; and that from and after the time when it is so certified, and until the works authorised by this Act have been completed, not more than one-half of the sum specified in the said schedule in  
 15 respect of any such passenger shall be demanded or taken.

**31.** Dues or tolls under this Act shall become and be due and payable at the times and in the manner prescribed by the regulations respecting the same made in pursuance of this Act. Payment of dues and tolls.

**32.** The collector of harbour dues may exercise the powers  
 20 conferred on him by section forty-four of The Harbours, Docks, and Piers Clauses Act, 1847, immediately on a vessel entering the Harbour, and without any refusal or neglect on the part of the master of the vessel to pay dues. Powers to enforce tonnage dues forthwith.

**33.** The Harbour Board may recover in a court of competent  
 25 jurisdiction any dues or tolls payable to them under this Act, and any arrears of tolls, rates, or dues payable to them under any of the former Harbour Acts ; and the demand required by section twenty-six of The Dover Harbour Act, 1828, or by section forty-four of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be requisite,  
 30 except in cases where proceedings for recovery are taken under those sections respectively. Recovery of dues, &c.

**34.** Nothing in this Act shall make liable to any due any vessel employed entirely in Her Majesty's naval or military service, and not engaged in carrying passengers or goods for profit,  
 35 or any ship of war of a foreign friendly state not engaged in carrying passengers or goods for profit. Ships of war not to pay dues.

**35.** All money received by the Harbour Board from dues and tolls, leviabie under this Act, or by way of rent or payment for the use of any works, shall be applied and disposed of in carrying into execution the former Harbour Acts and this Act, and the surplus, if any,  
 40 shall be applied in the repayment from time to time of moneys due by the Harbour Board and secured by mortgage under this Act. Application of income of Harbour Board.

A.D. 1875.

Estimates  
and accounts  
to be appro-  
ved by  
Board of  
Trade.

**36.** The Harbour Board shall from time to time submit to the Board of Trade estimates of all expenses to be incurred by them in the execution of this Act, and shall also, whenever in providing for any sudden emergency it is necessary to incur any expense, without waiting until an estimate can be sanctioned, as soon as possible send 5 to the Board of Trade a full account of such expense, and the Board of Trade shall consider, and may approve, such estimates and accounts, with or without modification.

No expense  
to be al-  
lowed unless  
sanctioned  
by Board of  
Trade.

**37.** No expense of the Harbour Board under this Act shall be paid or allowed in account other than the sums included in estimates 10 or accounts approved by the Board of Trade.

The Harbour  
Board to  
account for  
receipt and  
expenditure  
to the Board  
of Trade.

**38.** The Harbour Board shall account to the Board of Trade for all moneys from time to time received by them, and for their expenditure under this Act in such form and at such times and with such details, explanations, and vouchers, as the Board of Trade 15 requires, and shall, when required by the Board of Trade, permit all books and accounts kept by or under their direction to be inspected and examined by such persons as the Board of Trade appoints for such purpose, and such persons shall be paid by the Harbour Board such sums by way of remuneration as the Board of 20 Trade shall direct.

Accounts to  
be audited.

**39.** The officer or officers for the time being appointed to render the appropriation accounts of the Board of Trade shall render to the comptroller and auditor-general, at such times and in such form as the Treasury shall approve, accounts for the financial year 25 of the whole of the receipts and expenditure of the Harbour Board, and if the comptroller and auditor-general question the allowance of any sum charged in such accounts it shall be lawful for the Treasury to allow or disallow such sum as they may think fit.

Accounts to  
be laid before  
Parliament.

**40.** The Board of Trade shall as soon as practicable after the 30 meeting of Parliament in every year cause the accounts of the Harbour Board for the preceding financial year with the report of the comptroller and auditor-general to be laid before both Houses of Parliament.

#### *Miscellaneous.*

35

Power for  
agreements  
between  
Harbour  
Board and  
Govern-  
ment De-  
partments,

**41.** The Harbour Board on the one hand, and the three Govern-  
ment Departments, or any of them, or any other Department of  
Her Majesty's Government, the South-eastern Railway Company,  
the London, Chatham, and Dover Railway Company, and any other  
railway company or other company, or any corporation or any person, 40  
(in this section referred to as the contracting party,) on the other

hand, may from time to time enter into and carry into effect agreements and arrangements with respect to the matters following, or any of them; (that is to say,) A.D. 1875.

—  
railway  
companies,  
&c.

5 With respect to the use by the contracting party of the piers and works authorised by this Act or any of them, or any part thereof:

10 With respect to the use by the contracting party of the Government Pier or of Dover Harbour as it exists at the passing of this Act, and as it will from time to time exist before and after the completion of the piers and works by this Act authorised:

15 With respect to the dues to be demanded and taken from the contracting party in Dover Harbour as it exists and will exist as aforesaid, and in or on the piers and works by this Act authorised, as and when in part or wholly completed, and in the water area within the same, or any part thereof:

20 With respect to the erection of works for the accommodation of the contracting party, and the payment in whole or in part by the contracting party of the cost thereof, either by a sum in gross, or by rent or annual payment, or by special dues or otherwise:

With respect to contribution by the contracting party towards the cost of the piers and works by this Act authorised:

25 Provided always, that any agreement or arrangement so entered into shall be subject to the approval of the Treasury, such approval to be obtained by and signified through the Board of Trade.

30 42. In the anticipation or in the event of war with any state, it shall be lawful for Her Majesty, by proclamation under Her Royal Sign Manual, to direct that, during the continuance of such war, or for such period as may be specified in such proclamation, the Admiralty shall, with respect to Dover Harbour, act instead of the Harbour Board in the execution of the former Harbour Acts and of this Act, and shall further, with respect to Dover Harbour, have such powers for closing or regulating the use of the same and for erecting temporary or permanent works or otherwise as Her Majesty may be pleased to confer, and as may be specified in such proclamation; and from and after such time as may be specified for the purpose in any such proclamation, and, if no time be specified therein, from and after the date of such proclamation, all matters to be done in pursuance of the said Acts, by or by order of the Harbour Board, shall, during the continuance of such war, or during the period specified in such

Admiralty in  
case of war  
to have  
charge of  
harbour.



A.D. 1875. proclamation, be done by or by order of the Admiralty and the said Acts shall, during such continuance or period, be read and construed as if the Admiralty were thereby empowered to act in the execution of the same instead of the Harbour Board, and the Admiralty may also, during such continuance or period, exercise such further powers as Her Majesty may have been pleased to confer and to specify in such proclamation. 5

Byelaws as to lading and unloading vessels and storing of goods.

43. In addition to the purposes for which byelaws may be made under the Dover Harbour Act, 1828, and any other Act relating to Dover Harbour, the Harbour Board may, subject to the provisions of such Acts, from time to time make byelaws for regulating the mode of lading or unloading vessels, and for the passage of traffic over any part of the harbour, quays, piers, wharves, landing places, and works, and the storing of goods in warehouses or on premises belonging to the Harbour Board, and may revoke, alter, and amend the same, or may make new byelaws in lieu thereof, and may impose or inflict such reasonable fines or forfeitures against all persons who shall offend against any such byelaws, as they shall think fit, not exceeding the sum of five pounds for any one offence, but no such byelaw shall come into operation until the same be confirmed by the Board of Trade, and when the same shall have been so confirmed and signed by one of the secretaries or assistant secretaries of the Board of Trade such byelaws shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same. 15 20 25

Amendment of section 57 of the Act of 1828.

44. Where under the fifty-seventh section of the Act of 1828, any master, owner, or other person having the rule or command of any ship or vessel entering into or departing from, or lying or being in Dover Harbour, or having the charge or care of any boat, barge, or other vessel navigating in or using the said harbour, shall be or become answerable for any damage, spoil, or mischief done to the harbour, or any of the works thereof, the Harbour Board may detain any such ship or vessel until sufficient security has been given for the amount of damage done by the same. 30

Officers to have free access to works.

45. Notwithstanding anything in this Act, officers and servants of the three Government Departments, and of the Postmaster General, and officers of customs, while respectively in the execution of their duty, shall at all times have free ingress, passage, and egress into, on, along, through, and out of the piers, works, lands, and property of the Harbour Board by land, and with vessels and otherwise, without payment. 35 40



46. Nothing contained in this Act shall authorise the Harbour Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's  
 5 most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter  
 10 any of the estates, rights, privileges, powers, or authorities vested in or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

A.D. 1875.

—  
 Saving  
 rights of the  
 Crown in the  
 foreshore.

47. Nothing in this Act shall authorise the Harbour Board to take, use, or in any manner interfere with any land or heredita-  
 15 ments, or any rights, of whatsoever description (if any), belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on  
 20 behalf of Her Majesty, first had and obtained for that purpose (which consent those Commissioners are hereby respectively authorised to give); nor shall anything in this Act extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities (if any) vested in or enjoyed or exer-  
 25 ciseable by the Queen's Majesty, her heirs or successors.

Saving  
 rights of  
 the Crown.

48. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act shall be paid by the Harbour Board.

Expenses of  
 Act.

A.D. 1875.

## SCHEDULE.

DUES TO BE DEMANDED AND TAKEN BY HARBOUR BOARD UNDER  
THIS ACT.

	<i>s.</i>	<i>d.</i>	
For every steam or other vessel using the Government pier or any pier or landing place, whether entering Dover Harbour or not, the like dues as if such vessel had entered Dover Harbour - -			5
For every railway train, consisting of not more than one engine and eleven coaches, trucks, vans, or carriages in the aggregate, running on or using the Government pier or any pier - " - -	10	0	10
For every additional engine beyond one forming part of such train -	1	0	
For every additional coach, truck, van, or carriage beyond eleven in the aggregate, forming part of such train - - -	0	10	
For every steam or other vessel which shall have carried, or is about to carry, passengers between Dover and any port or place out of the United Kingdom, a sum (in addition to the other dues authorised by this Act) to be estimated according to the number of passengers carried, or about to be carried, by such steam or other vessel at a rate not exceeding for each such passenger - - -	1	0	15



# Dover Pier and Harbour.

A

## B I L L

[AS AMENDED BY THE SELECT  
COMMITTEE]

To authorise the construction of additional Piers and Works at Dover, to amend the Constitution of the Dover Harbour Board, and for other purposes relating thereto.

(Prepared and brought in by  
Sir Charles Adderley, Mr. Cavendish Bentinck,  
and Mr. William Henry Smith.)

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*Ordered, by The House of Commons, to be Printed,  
1 June 1875.*

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[Bill 192.]

*Under 3 oz.*



A

B I L L

INTITULED

An Act to confirm a Provisional Order under “The Drainage and Improvement of Lands (Ireland) Act, 1863,” and the Acts amending the same. A.D. 1875.  
—

WHEREAS the Commissioners of Public Works in Ireland have in pursuance of “The Drainage and Improvement of Lands Act (Ireland), 1863,” and the Acts amending the same, duly made the Provisional Order contained in the Schedule to this Act annexed, 26 & 27 Vict.  
c. 88.

5 and it is by the first-mentioned Act provided that no such Order shall be of any validity whatever until confirmed by Parliament, and it is expedient that said Order should be so confirmed: Section 6,  
Part 7.

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order contained in the Schedule hereto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional  
Order in  
Schedule  
confirmed.

2. This Act may be cited for all purposes as “The Drainage and Improvement of Lands Supplemental Act (Ireland), 1875,” Short title.

A.D. 1875.

## SCHEDULE.

### THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND), 1863.

26th and 27th Vict., chap. 88 ; 27th and 28th Vict., chap. 72 ; 28th and 29th Vict.,  
chap. 52 ; 32nd and 33rd Vict., chap. 72 ; 35th and 36th Vict., chap. 31 ;  
and 37th and 38th Vict., chap. 32.

5

In the Matter of the STONEYFORD RIVER DRAINAGE DISTRICT, in the  
counties of Meath and Westmeath.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named Drainage District on or about the sixth day of August one thousand eight hundred and seventy-four presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act, (Ireland), 1863," (herein-after called the Act of 1863), and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts. And whereas the said Commissioners referred the same to William Forsyth, esquire, civil engineer, an inspector duly appointed under the said Acts. And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same.

And whereas several objections to the said report have been made to us, which we also duly considered.

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with. And whereas we, the said Commissioners, upon consideration of the premises are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two-third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing.

Now therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map

[38 & 39 VICT.] *Drainage and Improvement of Lands*  
(Ireland) *Provisional Order.*

3

A.D. 1875.

is deposited in the office of Public Works in Ireland), a separate Drainage District by the name of "The Stoneyford River Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we the  
5 said Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order order and direct that the time for the completion of the necessary works  
10 the said district shall be limited to the thirty-first day of March which will be in the year one thousand eight hundred and seventy-eight.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for said district shall consist of five members:

15 That the following persons shall be the members of the first Drainage Board; viz.,

Anthony Browne of Elm Grove, Ballivor, in the county of Meath, esquire;  
Arthur Hamilton of Hamwood, in the county of Meath, esquire;

20 Jocelyn Otway Johnston of Frankville, Athboy, in the county of Meath, esquire, agent for and on behalf of the Earl of Darnley;

Lattin Thunder of Kingston Lodge, in the county of Meath, esquire; and  
Richard Walker of Balrath, Athboy, in the county of Meath, esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin  
25 Gazette and some Newspaper generally circulated in the said district, at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty  
30 acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first  
35 Thursday in September in the year following the date of this Provisional Order:

That the electors for Members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863. Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless  
40 the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in  
45 Ireland, have hereunto caused our common seal to be affixed, this fifth day of May one thousand eight hundred and seventy-five.

Office of Public Works, Dublin.

(Signed) E. HORNSBY,  
(Seal) Secretary.

Drainage and Improve-  
ment of Lands (Ire-  
land) Provisional  
Order. [H.L.]

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A

BILL

INTRODUCED

An Act to confirm a Provisional Order  
under "The Drainage and Improve-  
ment of Lands (Ireland) Act, 1863,"  
and the Acts amending the same.

(*Brought from the Lords 2 July 1875.*)

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*Ordered, by The House of Commons, to be Printed,  
2 July 1875.*

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[Bill 231.]

*Under 1 oz.*



A  
B I L L

TO

Make the Administration of Poisonous Drugs and Compounds to Horses and other Animals a punishable Offence. A.D. 1875.

**W**HEREAS it is expedient to make provision for putting an end to the practice of administering poisonous drugs and other compounds to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses and animals :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. From and after the *passing of this Act* if any person other than a member of the Royal College of Veterinary Surgeons of Great Britain, or any person acting under his direction, shall give any horse or other animal any one or more of the several articles named or described either in Part I. or Part II. of the Schedule A. Adminis-  
15 to this Act without the consent of the owner of such horse or animal, such person shall be deemed guilty of a misdemeanor, and shall on conviction thereof be liable for each offence to a penalty or sum tering  
not exceeding *ten pounds*, or to be sentenced to be imprisoned, with horses and  
or without hard labour, for any term not exceeding *three calendar* other  
20 *months* ; but nothing in this Act contained shall exempt any person from any heavier punishment to which he might be liable under animals de-  
any other Act, provided that no person shall be punished twice for a misde-  
the same offence. meanor.

- 25 2. The several articles named or described in Part II. of the Schedule A. to this Act shall be deemed to be poison within the meaning of this Act. Penalty.  
Imprison-  
ment.

- 30 3. It shall be unlawful to sell any poison, either by wholesale or by retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word poison, and with the name and address of the seller of the poison, and it shall be unlawful to sell any poison Poisons  
enumerated  
in Sche-  
dule A.  
  
Regulations  
to be ob-  
served in the  
sale of  
poisons.

[Bill 184.]

A.D. 1875. to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating, in the form set forth in Schedule B. to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the articles sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed; and any person selling poison otherwise than is herein provided shall, upon a summary conviction before two justices of the peace in England, be liable to a penalty not exceeding *five pounds* for the first offence, and to a penalty not exceeding *ten pounds* for the second or any subsequent offence, and for the purposes of this section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller; but the provisions of this section shall not apply to articles to be exported from Great Britain by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor shall any of the provisions of this section apply to any medicine supplied by a legally qualified apothecary to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under the Pharmacy Act 1868: Provided such medicine be labelled in the manner aforesaid, with the name and address of the seller, and the ingredients thereof, be entered with the name of the person to whom it is sold or delivered in a book to be kept by the seller for that purpose; and nothing in this Act contained shall repeal or affect any of the provisions of an Act of the Session holden in the fourteenth and fifteenth years of the reign of Her present Majesty, intituled “An Act to regulate the sale of arsenic.”

Recovery  
and appli-  
cation of  
penalty.

4. Penalties recoverable under this Act may be recovered in a summary way before any two or more justices of the peace in petty sessions assembled, and according to the provisions of any Act regulating the powers and duties of justices of the peace; and one third of every sum of money recovered as a penalty under this Act shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of this Act.

Act not to  
apply to  
Scotland or  
Ireland.

5. This Act shall not apply to Scotland or Ireland.

Short title.

6. This Act may be cited as “The Drugging of Animals Act, 1875.”

## SCHEDULES.

## SCHEDULE (A.)

A.D. 1875.

## PART I.

- Arsenic and its preparations.
- 5 Prussic acid.  
Cyanides of potassium and all metallic cyanides.  
Strychnine and all poisonous vegetable alkaloids, and their salts.  
Aconite and its preparations.  
Emetic tartar.
- 10 Corrosive sublimate.  
Cantharides.  
Savin and its oil.  
Ergot of rye and its preparations.  
Oxalic acid.
- 15 Chloroform.  
Belladonna and its preparations.  
Essential oil of almonds, unless deprived of its prussic acid.  
Opium, and all preparations of opium or of poppies.

## PART II.

- 20 Sulphuric acid or oil of vitriol.  
Nitric acid or aqua fortis.  
Hydrochloric acid or spirits of salts.  
Muriatic antimony or butter of antimony.  
Sulphate of iron or green vitriol.
- 25 Sulphate of copper or blue vitriol.  
Sulphate of zinc or white vitriol.

## SCHEDULE (B.)

30	Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

# Drugging of Animals.

A

## B I L L

To make the Administration of Poisonous  
Drugs and Compounds to Horses and  
other Animals a punishable Offence.

(Prepared and brought in by  
Sir John Astley, Mr. Chaplin, and  
Mr. Rowland Winn.)

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*Ordered, by The House of Commons, to be Printed,  
25 May 1875.*

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[Bill 184.]

*Under 1 oz.*



A  
B I L L

[AS AMENDED IN COMMITTEE]

TO

Make the Administration of Poisonous Drugs and Compounds to Horses and other Animals a punishable Offence. A.D. 1875.

**W**HEREAS it is expedient to make provision for putting an end to the practice of administering poisonous drugs and other compounds to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses  
5 and animals :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. From and after the *passing of this Act* if any person other than a member of the Royal College of Veterinary Surgeons of Great Britain, or any person acting under his direction, shall administer or cause to be administered any injurious substance to any domestic animal, with intent to damage or disable such animal,  
15 the person so offending shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be *committed to a common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding six months*, or else shall forfeit and pay, over and above  
20 the amount of injury done, such sum of money not exceeding *twenty pounds* as to the justice shall seem meet, and whosoever having been convicted of any such offence shall afterwards commit any of the said offences in the section before mentioned, and shall be convicted thereof in like manner, shall be *committed to the*  
25 *common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months* as the convicting justice shall think fit.

Adminis-  
tering  
poisons to  
horses and  
other  
animals de-  
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meanor.

2. From and after the *passing of this Act* if any person other than a member of the Royal College of Veterinary Surgeons of  
30 Great Britain, or any person acting under his direction, shall
- [Bill 235.]

For pro-  
tection of  
domestic  
animals.

A.D. 1875. knowingly administer to any domestic animal any injurious substance without the consent of the owner, so as to damage or disable such animal, the person so offending shall, on conviction of such offence before a justice of the peace, forfeit and pay such penalty as shall appear to a justice to be meet, not exceeding the 5 sum of *five pounds*, and in default of payment of such penalty shall be *imprisoned with or without hard labour for any term not exceeding three months*, unless such penalty be sooner paid.

Recovery  
and appli-  
cation of  
penalty.

3. Penalties recoverable under this Act may be recovered in a summary way before any two or more justices of the peace in 10 petty sessions assembled, and according to the provisions of any Act regulating the powers and duties of justices of the peace; and one third of every sum of money recovered as a penalty under this Act shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the 15 provisions of this Act.

Act not to  
apply to  
Scotland or  
Ireland.  
Short title.

4. This Act shall not apply to Scotland or Ireland.

5. This Act may be cited as "The Drugging of Animals Act, 1875."



# Drugging of Animals.

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A

## B I L L

[AS AMENDED IN COMMITTEE]

To make the Administration of Poisonous  
Drugs and Compounds to Horses and  
other Animals a punishable Offence.

(Prepared and brought in by  
Sir John Astley, Mr. Chaplin, and  
Mr. Rowland Winn.)

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*Ordered, by The House of Commons, to be Printed,  
5 July 1875.*

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[Bill 235.]

*Under 1 oz.*



















